THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 10 NUMBER 251

Washington, Thursday, December 27, 1945

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration

[Supp. Announcement 9]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Commodity Credit Corporation is extending its Cotton Sales for Export Program to cover cotton exported on consignment. Accordingly, effective December 22, 1945, the "Terms and Conditions of Cotton Sales for Export Program" is amended by adding the following § 295.26:

§ 295.26 *Consignments.* If an exporter intends to export lint cotton to an approved country prior to the sale of such cotton and files with Commodity Credit Corporation a Declaration of Intent to Consign listing the number of pounds (gross unpatched weight) and the grade and staple length of the cotton which he intends to export, and if the Declaration is approved by the Corporation, the exporter may purchase from the Corporation an equal quantity of cotton, subject to the following terms and conditions:

(a) *Declarations.* The Declaration must be in the form prescribed by the Corporation and must be filed with the New Orleans Regional Director of the Cotton Branch of the Production and Marketing Administration before the cotton listed on the Declaration is exported. The Declaration must be filed in duplicate. Submission of a Declaration and approval by the Corporation is in lieu of the registration required under § 295.2 hereof. The Corporation will approve only Declarations listing cotton of a grade and staple length which the Corporation announces may be exported under this section. Upon approval of a Declaration, the Corporation will return one copy, dated and marked approved, to the exporter.

(b) *Bond.* Before the Declaration will be approved, the Corporation must have received from the exporter a surety bond in the form prescribed by the Corporation, conditioned upon the submission of satisfactory evidence of exportation of the cotton listed on the Declaration by the exporter prior to January 1, 1947, and not later than 90 days after the date the Declaration is approved, and in an amount at least equivalent to 10 cents for each pound of cotton listed on all of the Declarations filed by the exporter for which, at any one time, satisfactory evidence of exportation has not been furnished. The surety on such bond must be a corporate surety approved by the Treasury Department of the United States.

(c) *Satisfactory evidence of exportation.* Evidence of exportation of cotton, to be satisfactory under this section, must meet the requirements of § 295.9 hereof and must also include a certification by the exporter that the cotton shipped was of the grade and staple length stated in the Declaration.

(d) *Purchase orders.* The Corporation must have received from the exporter, not later than 90 days after the date the Corporation approves the Declaration, Purchase Orders covering the cotton which the exporter is eligible to purchase, and the Corporation must have accepted such Purchase Orders. Each Purchase Order shall designate the Declaration against which the purchase is made and shall not designate an export sale.

(e) *Price.* The price of cotton purchased under this section shall be the price specified in § 295.4 hereof, except that in applying § 295.4 the date the Corporation approves the Declaration shall be used in place of the time the Corporation receives notice of the export sale of the corresponding cotton.

(f) *Liquidated damages.* (1) In all cases in which (i) the exporter fails to furnish, within 15 days after the date of exportation of the cotton listed on the Declaration or such extension of time as may be granted by the Corporation under (2) of this paragraph, satisfactory evidence that the cotton was exported prior to January 1, 1947, and not later than 90 days after the date the Declaration is approved, or (ii) cotton as to which satisfactory evidence of exportation has been submitted reenters the United States or its possessions (other

(Continued on p. 15331)

CONTENTS

REGULATIONS AND NOTICES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] Appears under Budget Bureau in Notices Section.

CODIFICATION GUIDE—Continued

than the Philippine Islands) in the form of raw cotton, the exporter shall pay to the Corporation, as liquidated damages, the sum of 10 cents for each pound of such cotton.

(2) Notwithstanding the provisions of (1) of this paragraph, if the Corporation determines that the exporter was prevented from exporting the cotton listed on the Declaration by a cause listed in § 295.11 (b) hereof, the provisions of § 295.11 (b) shall be applicable, except that in applying § 295.11 (b) the words "the Declaration" shall be substituted for the words "such export sale" and the phrase "(1) of this paragraph (f)" shall be substituted for the phrase "paragraph (a) of this § 295.11."

(h) *Amendments and terminations.* Any amendment or termination of this offer and any withdrawal of any qualities of the Corporation's cotton shall not be applicable to Purchase Orders submitted with respect to Declarations approved by the Corporation prior to the effective date of such amendment, termination, or withdrawal.

(i) *Applicability of other provisions.* All of the provisions of this offer shall be applicable to this section, except as otherwise provided herein, and except that § 295.7 shall not be applicable to exports on consignment.

Dated this 21st day of December 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By C. W. KITCHEN,
Acting President.

Attest:

C. C. SMITH,
Assistant Director,
Cotton Branch.

[F. R. Doc. 45-22830; Filed, Dec. 21, 1945; 11:12 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 143, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 143, as amended (10 F. R. 12478, 13804), is hereby further amended by deleting the provisions of § 1405.58 (b) (1) and inserting, in lieu thereof, the following:

(1) No handler shall purchase from, or sell, contract to sell, ship, or deliver to, any person any one of the specified varieties of apples except on condition that such handler sets aside and thereafter holds for sale and delivery to a governmental agency a quantity of apples of such variety, in the aggregate, of the fancy grade, or higher grades, and of sizes from 100 to 163, inclusive, equivalent to 25 percent of the total quantity of the apples of such variety which he owned or controlled on October 3, 1945, and of which he subsequently acquired ownership or control. With respect to apples of the Newtown variety grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River District situated in Washington, the quantity of apples of such variety, in the aggregate, of the fancy grade, or higher grades, of the aforesaid sizes, which such handler is required to set aside and thereafter hold for sale and delivery to a governmental agency, shall be equivalent to 25 percent of the total quantity of such variety which he owned or controlled on November 10, 1945, and of which he subsequently acquired ownership or control. Notwithstanding the size restrictions contained in the preceding sentences, any handler may substitute, in the respective quantities of Winesap apples or Newtown apples set aside or required to be set aside by him, not to exceed 25 percent of sizes 175 to 216, inclusive, of the fancy grade, or higher grades, of the same variety, and of such maximum quantity, authorized to be substituted as aforesaid, (i) not more than 30 percent shall be of the sizes 198 to 200, inclusive, and (ii) not more than 30 percent shall be of the size 216. When the requisite quantity of apples in any lot owned or controlled by any first handler has been set aside, the remainder of such apples shall thereafter, even in the hands of a subsequent handler, be free from all set-aside restrictions and computations. The restrictions set forth in (b) (1) hereof shall not apply to any handler so long as the total quantity of the apples which he owned or controlled on October 3, 1945, and those of which he acquired ownership or control thereafter does not exceed 500 bushels.

The provisions of this amendment shall be effective as of 12:01 a. m., p. s. t., December 22, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the said War Food Order No. 143, as amended, prior to the effective time of this amendment, all provisions of the said War Food Order No. 143, as amended, in effect prior to the effective time of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 20th day of December 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-22867; Filed, Dec. 21, 1945; 2:07 p. m.]

[WFO 29, Amdt. 9]

PART 1460—FATS AND OILS

LIMITATIONS UPON USE OF SOYBEAN OIL IN SYNTHETIC RESINS

War Food Order No. 29, as amended and partially suspended (8 F.R. 15551, 9 F.R. 651, 3252, 10 F.R. 11988), is hereby further amended by deleting paragraph (f) (1) (ii) and substituting in lieu thereof the following:

(ii) Paints, varnishes, lacquers and all other protective coatings, except that:

(*a*) Any person may, without specific authorization, use soybean oil as a plasticizer in lacquers;

(*b*) Subject to the certificate provision hereinafter set forth, any person may, during any calendar month, without specific authorization, use soybean

oil in synthetic resins in a quantity not exceeding one-sixth of the quantity of soybean oil used by such person in the manufacture of synthetic resins during the period January 1, 1945, to June 30, 1945, both inclusive. No person shall, without specific authorization, receive soybean oil for such use unless he executes and furnishes to his supplier a certificate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to _____
Name and address of supplier

that he is familiar with the terms of War Food Order No. 29, that this certificate is furnished in order to enable the undersigned to acquire _____ pounds of soybean oil, and that he requires such oil for use in the manufacture of synthetic resins. The undersigned further certifies that such use will not, during any calendar month, exceed one-sixth of the quantity of soybean oil used by him in the manufacture of synthetic resins during the period January 1, 1945, to June 30, 1945.

_____
Name of user

By _____
Authorized official

All certificates shall be retained by the supplier for delivery to the Assistant Administrator upon request. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

This amendment shall become effective at 12:01 a. m., e. s. t., January 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 29, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 19th day of December 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-22804; Filed, Dec. 20, 1945; 12:41 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS LEAVING

CROSS REFERENCE: For regulations superseding the regulations issued May 22, 1945 (10 F.R. 5889), see Title 22, *infra*. For the purposes of Title 8, all references to Part 58 should read "Part 175," and in all section numbers the number "58" preceding the decimal point should be replaced by the number "175."

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 88]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

DECEMBER 7, 1945.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 600.10251 to read as follows:

§ 600.10251 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range via the Muscle Shoals, Ala., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range.

2. By inserting in § 600.10302 *Blue civil airway No. 3 (Tallahassee, Fla., to Terre Haute, Ind.)* after the words: "Birmingham, Ala., radio range station." the following: "From the Muscle Shoals, Ala., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Muscle Shoals, Ala., radio range and the southwest leg of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the south leg of the Evansville, Ind., radio range and the Evansville, Ind., radio range station to the Terre Haute, Ind., radio range station."

This amendment shall become effective 0001 e. s. t., January 1, 1946.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-22881; Filed, Dec. 26, 1945; 10:02 a. m.]

[Amdt. 128]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

MISCELLANEOUS AMENDMENTS

DECEMBER 7, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Red Civil Airway No. 27. Red Civil Airway No. 52. Blue Civil Airway No. 3. Redesignation of Radio Fixes: Green Civil Airway No. 4. Amber Civil Airway No. 3. Red Civil Airway No. 32. Red Civil Airway No. 52. Blue Civil Airway No. 4.

1. By amending § 601.10227 to read as follows:

§ 601.10227 *Red civil airway No. 27 airway traffic control areas (Knoxville, Tenn., to U. S.-Canadian Border).* All of Red civil airway No. 27 from the Knoxville, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Knoxville, Tenn., radio range station and from a line extended at right angles across such airway through a point 25 miles south of the Cincinnati, Ohio radio range station to the U. S.-Canadian Border.

2. By amending § 601.10252 to read as follows:

§ 601.10252 *Red civil airway No. 52 airway traffic control areas (Memphis, Tenn., to Birmingham, Ala.)* All of Red civil airway No. 52.

3. By amending § 601.10303 *Blue civil airway No. 3 airway traffic control areas (Terre Haute, Ind., to Tallahassee, Fla.)* to read as follows:

§ 601.10303 *Blue civil airway No. 3 airway traffic control areas (Tallahassee, Fla., to Terre Haute, Ind.).* All of Blue civil airway No. 3.

4. By deleting in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the following: "the intersection of the center lines of the on course signals of the east leg of the Daggett, Calif., radio range and the southeast leg of the Silver Lake, Calif., radio range;"

5. By deleting in § 601.4013 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* the following: "Maxwell, N. Mex., fan type radio marker station or the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range and the south leg of the Trinidad, Colo., radio range;"

6. By amending § 601.40232 to read as follows:

§ 601.40232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)* Laredo, Tex., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the San Antonio, Tex., (Kelly) radio range and the southeast leg of the Hondo, Tex., radio range; San Antonio, Tex., (Kelly) radio range station.

7. By amending § 601.40252 to read as follows:

§ 601.40252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.)* Muscle Shoals, Ala., radio range station.

8. By amending § 601.40304 to read as follows:

§ 601.40304 *Blue civil airway No. 4 (Boston, Mass., to U. S.-Canadian Border).* Concord, N. H., radio range station; Burlington, Vt., radio range station.

This amendment shall become effective 0001, E. S. T., January 1, 1946.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-22882; Filed, Dec. 26, 1945; 10:02 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51371]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTY ON DUTIABLE GERMAN MERCHANDISE

DECEMBER 19, 1945.

Treasury decisions publishing declarations or notices of countervailing duties on dutiable German merchandise modified. Section 16.24 (a), Customs Regulations of 1943, amended.

The Treasury decisions listed below, issued under the authority of section 303, Tariff Act of 1930 (19 U.S.C. 1303), imposing countervailing duties upon the commodities described in those listed decisions when exported directly or indirectly from Germany or from those areas or countries named in T. Ds. 49503, 49743, 49828, 49822, and 50029 as under the de facto administration of German authorities, are hereby modified so as not to apply to such commodities if exported on or after May 8, 1945.

T. D. 48360, June 4, 1936.
T. D. 48444, July 22, 1936.
T. D. 48463, August 4, 1936.
T. D. 48479, August 14, 1936.
T. D. 49719, September 30, 1936.
T. D. 49821, March 18, 1939.
T. D. 49849, April 24, 1939.
T. D. 49878, June 3, 1939.
T. D. 49958, September 11, 1939.
T. D. 49998, October 24, 1939.

Section 16.24 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.24 (a)), is hereby amended by adding the number of this Treasury decision after the last number opposite "Germany" in the column headed "Treasury Decision" and by adding opposite the number of this decision in the column headed "Action" the following language:

Modifies all Treasury decisions listed above under Germany which impose countervailing duties on commodities described therein, when exported directly or indirectly from Germany or from areas or countries named in other Treasury decisions listed above under Germany as under the de facto administration of German authorities, so as not to apply to such commodities if exported on or after May 8, 1945.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

The foregoing shall not affect the status, with respect to liability to countervailing duties, of dutiable merchandise exported directly or indirectly from Germany, or from the areas or countries described above, prior to May 8, 1945.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: December 19, 1945.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-22832; Filed, Dec. 21, 1945; 11:36 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

An order amending the above regulation having been issued on November 21, 1945 (10 F.R. 14545); and

It appearing that the fourth paragraph thereof contains an improper reference to the second sentence of § 141.1 (e) whereas the fourth sentence of this paragraph was intended; and

It appearing further that the improper reference is the result of a clerical error;

Now therefore, *It is ordered*, That the fourth paragraph of such amendment be and is hereby corrected to read as follows:

3. Section 141.1 (e), fourth sentence, is amended by inserting at the end thereof, "or (9144) American Type Culture Collection."

[SEAL] WATSON B. MILLER,
Administrator.

DECEMBER 19, 1945.

[F. R. Doc. 45-22918; Filed, Dec. 26, 1945; 11:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS LEAVING

Sec.
58.21 Definitions.
58.22 Permits to depart required.
58.23 Aliens exempted from obtaining permits to depart.
58.24 Refusal of permission to depart.
58.25 Classes of aliens not entitled to depart.
58.26 Departure from the Canal Zone.
58.27 Departure from the Philippine Islands.
58.28 Authority to make additional regulations.
58.29 Departure not permitted in special cases.
58.30 Departure permitted in special cases.
58.31 Applications for permits to depart.
58.32 Effective date.

AUTHORITY: §§ 58.21 to 58.32, inclusive, issued under Proc. 2523, Nov. 14, 1941, 6 F.R. 5821, 5869, 40 Stat. 559, as amended, ch. 210, 55 Stat. 252; 22 U.S.C., and Sup. 223, 225, 226.

§ 58.21 *Definitions.* For the purposes of §§ 58.21 to 58.32:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Canal Zone, the Philippine Islands, so long as they are subject to the jurisdiction of the United States, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters subject to the jurisdiction of the United States.

(b) The term "continental United States" means the territory of the several States, the District of Columbia, and Alaska.

(c) The term "depart from the United States" means the act of departure by land, sea, or air (1) from the United States to any foreign port or place except Canada, or (2) from one geographical part of the United States to a separate geographical part, except to or from Alaska. The term "geographical part" means any of the following: The States, including the District of Columbia, the Canal Zone, the Philippine Islands, so long as they are under the jurisdiction of the United States, Hawaii, Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(d) The term "seaman" means any alien whose occupation or calling as such is bona fide, and who is employed in any capacity on board any vessel departing from the United States.

(e) The term "airman" includes any alien pilot, navigator, aviator, or other alien person employed on any aircraft.

(f) The term "departure-control officer" means any employee of the Immigration and Naturalization Service assigned to supervise the departure of aliens from the United States, or any persons assigned by the chief executive officers of the Canal Zone, Guam, or American Samoa to such duties in those territories, or any person designated by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines.

(g) The term "permit-issuing authority" means the Secretary of State, or an officer designated by him, the chief executive officer of Alaska, of Hawaii, of Puerto Rico, of the Virgin Islands, of the Canal Zone, of Guam, or of American Samoa, or the United States High Commissioner to the Philippine Islands acting in consultation with the military and naval authorities of the United States in the Philippine Islands and with the Government of the Commonwealth of the Philippines.

(h) The term "passport" means a passport, or official document in the nature of a passport, issued by the government of the country to which an alien owes allegiance, or other travel document showing his origin and identity, prescribed in regulations issued by the Secretary of State.

(i) The term "permit to depart" for aliens means a copy of the application for a permit to depart, as described hereinafter in §§ 58.21 to 58.32, inclusive, duly executed by the alien, approved, and appropriately endorsed by or on behalf of the Secretary of State, or such modification hereof as may be prescribed.

(j) The term "port of departure" means a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or by the Commissioner of Immigration and Naturalization, or in exceptional circumstances such other place as the departure-control officer may, in his discretion, designate

in an individual case, or a port in Guam, American Samoa, or the Panama Canal Zone designated by the chief executive officer thereof, or any port in the Philippine Islands designated by the permit-issuing authority therein.

(k) The term "alien" means a person who does not owe permanent allegiance to the United States. It does not include a citizen of the United States, nor does it include a citizen of the islands under the jurisdiction of the United States, including a citizen of the Philippine Islands so long as the Philippine Islands remain under the sovereign jurisdiction of the United States.

§ 58.22 *Permits to depart required.* No alien shall hereafter depart from the United States except at a port of departure and unless there has been issued in accordance with §§ 58.21 to 58.32, inclusive, a valid permit to depart, or he is exempted under §§ 58.21 to 58.32, inclusive, from obtaining a permit to depart.

§ 58.23 *Aliens exempted from obtaining permits to depart.* Aliens of the following classes shall not be required to obtain permits to depart:

(a) All aliens (except seamen, members of armed forces, German nationals, and Japanese persons of any foreign nationality) departing from the United States to any destination other than Germany, Italy, or Austria while those countries are occupied by the armed forces of one or more of the allied countries, the China-Burma theater of military operations or occupation by forces of the United States, or any place within an area of military or naval operations or occupation by forces of the United States in the Pacific Ocean.

(b) An alien not otherwise exempt from obtaining a permit to depart, who is an accredited or recognized diplomatic, consular, or other officer of a foreign government, a member of his family, or his attendant, servant, and employee, who presents an exit visa obtained from the Chief or Acting Chief of the Visa Division of the Department of State in lieu of a permit to depart. An exit visa shall be subject to verification in the discretion of the departure-control officer at the port of departure, if he has reason to question the authenticity of such exit visa.)

(c) Aliens who are nationals of China, and who depart from the United States directly to China or through the necessary countries en route, with military permits so long as such permits are required.

(d) Aliens departing as seamen on vessels or to join vessels: *Provided*, That:

(1) They submit a passport, unless the seaman is stateless, or unless such document is waived by the Secretary of State;

(2) Where departure is from a port in the continental United States, Hawaii, Puerto Rico, or the Virgin Islands, an alien registration-receipt card must be presented in the cases of aliens who are subject to registration and fingerprinting;

(3) They present an unexpired Coast Guard identification card, or other evidence of having been examined for security by the Coast Guard, unless such card or evidence is waived by the Coast Guard; and

(4) All alien seamen who depart from the United States shall comply with all other laws and regulations and meet such additional requirements as may be prescribed by the Commissioner of Immigration and Naturalization, or the appropriate permit-issuing authorities in the Canal Zone, Guam, American Samoa, or the Commonwealth of the Philippines.

(e) Aliens being deported from the United States to any foreign country, except an alien being deported without a military permit to an area of military or naval operations or occupation by forces of the United States.

(f) Aliens who are members of the armed forces of the United States, who are departing from the United States under orders of a competent authority (except that permits to depart shall be required in the cases of aliens who have only leave orders, and who are not lawful permanent residents of the United States), and aliens of the armed forces of foreign countries, who are departing from the United States under orders (including leave orders) of a competent authority.

(g) Alien children under 14 years of age.

§ 58.24 *Refusal of permission to depart.* No permit to depart, exit visa, border-crossing identification card, reentry permit, preexamination border-crossing identification card, or other document facilitating departure, or authorization of voluntary departure in lieu of deportation, shall be issued to an alien if the issuing authority has any reason to believe that the departure will be prejudicial to the interests of the United States.

§ 58.25 *Classes of aliens not entitled to depart.* The departure of an alien who is within one or more of the following categories shall be deemed to be prejudicial to the interests of the United States for the purposes of §§ 58.21 to 58.32, inclusive:

(a) Any alien who is in possession of, and in whose case there is evidence that he is likely to disclose to unauthorized persons, information concerning the plans, preparations, equipment, or establishments for the national defense of, or the prosecution of the war by, the United States or any of its Allies.

(b) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities designed or likely to obstruct, impede, retard, delay, or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States in the public interest or for the defense of any other country.

(c) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country cooperating with the United States in the prosecution of the war.

(d) Any alien departing from the United States for any country for the purpose of organizing or directing, in or from such country, any rebellion, insurrection, or violent uprising in or against the United States, or of waging war against the United States, or of destroying sources of supplies or material vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for the defense of any other country.

(e) Any alien who is a fugitive from justice on account of any offense punishable in the United States.

(f) Any alien whose presence in the United States is needed as a witness in or as a party to, any criminal case pending in a court or which is under official investigation: *Provided*, That any alien who is a witness in, or party to, a criminal-court proceeding may be permitted to depart with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under §§ 58.21 to 58.32, inclusive.

(g) Any alien who is registered, or who is subject to registration, for training or service in the armed forces of the United States, and who shall not have obtained the consent of his local draft board or an appropriate officer of the Selective Service System to depart from the United States.

§ 58.26 *Departure from the Canal Zone.* The departure of aliens from the Canal Zone shall be in accordance with the provisions of §§ 58.21 to 58.32, inclusive, and such regulations as may be prescribed by the permit-issuing authority in the Canal Zone.

§ 58.27 *Departure from the Philippine Islands.* The departure of aliens from the Philippine Islands shall be in accordance with the provisions of §§ 58.21 to 58.32, inclusive, and such regulations as may be prescribed by the permit-issuing authority in the Philippine Islands.

§ 58.28 *Authority to make additional regulations.* The permit-issuing authorities in the Canal Zone and in the Philippine Islands may prescribe, with the concurrence of the Secretary of State and the Attorney General, additional regulations regarding the departure of aliens from the Canal Zone and from the Philippine Islands, respectively, and such regulations may include such additional requirements, exemptions, and exceptions to the regulations prescribed by the Secretary of State, with the concurrence of the Attorney General, as the permit-issuing authorities in the Canal Zone and the Philippine Islands may deem to be appropriate.

§ 58.29 *Departure not permitted in special cases.* (a) Any departure-control officer or other authorized official in any individual case may require any alien, or person he believes to be an alien, departing or attempting to depart, even if such person has a permit to depart or is exempted under §§ 58.21 to 58.32, inclusive, from obtaining a permit to depart, to reply to interrogatories and to submit for official inspection all documents, articles, or other things which are being removed from the United

States upon, or in connection with, such person's departure.

(b) Any departure-control officer or other authorized official shall temporarily prevent the departure of any person of the class mentioned in the preceding paragraph if such person refuses to answer interrogatories or to submit to such official inspection, or if the officer or official believes the departure of such person would, under §§ 58.21 to 58.32, inclusive, be prejudicial to the interests of the United States, or if directed by the Secretary of State or the Attorney General to prevent such departure. In every such case the officer or other official preventing departure shall temporarily take possession of any travel document presented by the alien. Such action shall be reported immediately by the departure-control officer to the head of his department with a full statement of the facts.

(c) Upon the receipt of a report as contemplated by the preceding paragraph the department head shall, if he considers that the departure of the alien would not be prejudicial to the interests of the United States, consult the Secretary of State. In such circumstances an individual so temporarily prohibited from departing shall not be permitted to depart and shall not be entitled to the benefits of any exemptions or limitations hereinbefore provided, unless the Secretary of State is satisfied that the departure of such person would not be prejudicial to the interests of the United States.

§ 58.30 *Departure permitted in special cases.* (a) Notwithstanding the provisions of §§ 58.21 to 58.32, inclusive, the Secretary of State may, in his discretion, authorize the issuance of a permit to depart to any alien, or may allow any alien to depart without such permit if he deems such action to be in the interests of the United States: *Provided*, That any such authorization which may be applicable to aliens of a particular class shall be concurred in by the Attorney General.

(b) Any departure-control officer may grant any airman emergency permission to depart, but in all such cases a copy of the airman's application shall be forwarded immediately to the appropriate permit-issuing authority or to the Secretary of State. Such emergency permission shall not be granted unless the departure-control officer is satisfied that such departure would not endanger the public safety or be prejudicial to the interests of the United States.

§ 58.31 *Applications for permits to depart.* Any alien in whose case a permit to depart is required, desiring to depart from the United States, shall apply to the Secretary of State, or to such officer as may be designated, for a permit to depart from the United States as follows:

(a) Blank application forms for permits to depart may be obtained from the Visa Division, Department of State, Washington, D. C., or from an office of the Immigration and Naturalization Service, or from a permit-issuing authority in the outlying possessions of the United States. Applications should be mailed at least 30 days before the date of intended departure in order that any delay in departure may be avoided: *Provided*, That alien members of the armed forces of the United States departing on authorized leave must make application to do so, which may be in the form of a letter addressed to the Chief of the Exit Permit Unit, Visa Division, Department of State, Washington, D. C., containing the applicant's name and a statement of his nationality, date and place of birth, date and place of last entry into the United States, last residence address in civilian life, alien registration number, and date and port of intended departure, together with a letter from his commanding officer approving leave for the purpose indicated.

(b) Applications for permits to depart from the continental United States, excepting Alaska, shall be made to the Secretary of State, as provided in §§ 58.21 to 58.32, inclusive. Applications for permits to depart shall be made upon form AD–1 or such other form as may be prescribed by the permit-issuing authority and executed strictly in accordance with the instructions issued therewith.

(c) Any alien who departs, or attempts to depart, from the United States without complying with §§ 58.21 to 58.32, inclusive, may be subjected to the penalties provided in the act of May 22, 1918, as amended by the act of June 21, 1941.

(d) If the application for permission to depart is approved the applicant will be notified, and one copy of the application, appropriately endorsed, which shall thereupon become the permit to depart, will be forwarded to the appropriate departure-control officer at the port or place from which the applicant has stated in his application that he intends to depart. In the cases of members of the armed forces of the United States, who make application in accordance with the proviso in paragraph (a) of this section, the notification sent to the applicant shall, upon its surrender to the departure-control officer, constitute the permit to depart. Upon the applicant's personal appearance before such departure-control officer, to whom the applicant shall surrender the notification received, the departure-control officer may permit such applicant to depart from the United States and shall verify such departure. The departure-control officer shall thereupon place a notation or certification on the permit concerning the alien's departure and forward such permit, together with the notification surrendered by the alien, to the Secretary of State, Washington, D. C. Under no circumstances should an alien be permitted to take such permit out of the United States or to have such permit in his possession while in the United States.

(e) A permit to depart shall be revocable at any time before departure of the alien in whose case such permit shall have been granted. The Secretary of State reserves the power to revoke a permit which has been issued by any permit-issuing authority.

(f) No permit to depart from the United States shall be construed as a permit to enter any place in the United States.

§ 58.32 *Effective date.* Sections 58.21 to 58.32, inclusive, shall become effective on the day of their publication and shall supersede the regulations prescribed by the Secretary of State on April 9, 1945, concurred in by the Attorney General on May 19, 1945, and issued on May 22, 1945, to become effective on June 1, 1945 (10 F.R. 5895–98).

[SEAL] JAMES F. BYRNES,
Secretary of State.

DECEMBER 4, 1945.

Concurred in by:

TOM C. CLARK,
Attorney General.

[F. R. Doc. 45–22893; Filed, Dec. 26, 1945; 11:28 a. m.]

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision X, Dec. 20, 1945]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, and the Director, Office of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555),[1] The Proclaimed List of Certain Blocked Nationals, Revision IX of February 28, 1945 and Supplements 1, 2, 3, 4, 5, 6, 7, and 8 thereto, are superseded by the following Revision X of the List, which is hereby promulgated.[2]

By direction of the President.

DEAN ACHESON,
Acting Secretary of State.
D. W. BELL,
Acting Secretary of the Treasury.
J. HOWARD MCGRATH,
Acting Attorney General.
H. A. WALLACE,
Secretary of Commerce.
HAROLD B. GOTAAS,
Acting Director, Office of Inter-American Affairs.

DECEMBER 20, 1945.

[F. R. Doc. 45–22866; Filed, Dec. 21, 1945; 1:57 p. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

DEFINITIONS

Amendment of § 501.2 (k) of the regulations effective July 1, 1944, issued by

[1] This proclamation mentions the Administrator of Export Control. Under Executive Order 9630, of Sept. 27, 1945 (10 F.R. 12245), the Secretary of Commerce now has responsibility for the administration of export control, having assumed this responsibility on Oct. 20, 1945.

[2] Filed with the Division of the Federal Register. Requests for printed copies should be addressed to the Federal Reserve banks or the Department of State.

the Federal Housing Commissioner in connection with property improvement loans under Title I of the National Housing Act, as amended.

Part 501, § 501.2, paragraph (k) of the Regulations of the Federal Housing Commissioner Governing Property Improvement Loans effective July 1, 1944, is hereby amended to read as follows:

§ 501.2 *Definitions.* * * *

(k) "Class 1 (b) Loan" means a loan which is (1) made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure located in an area or locality in which the President shall find that an acute shortage of housing exists or impends, which would impede national war activities and (2) is made for the purpose of providing additional living accommodations to which the borrower shall establish in a manner and upon forms prescribed by the Commissioner that occupancy priority will be given to veterans of World War II.

The amendment contained herein is effective as to all loans made on or after December 19, 1945, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., December 19, 1945.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 45-22865; Filed, Dec. 21, 1945; 12:15 p. m.]

Chapter VII—National Housing Agency

[NHA Reg. 60-5E-1]

PART 703—PUBLIC WAR HOUSING

OCCUPANCY OF PUBLIC WAR HOUSING PENDING TERMINATION AND DISPOSITION

Section 703.4 (b) of Title 24, Code of Federal Regulations (subsection 4.02 of NHA Regulation 60-5E; 10 F.R. 15107) contains a finding by the National Housing Administrator which is required by Title V of the Lanham Act with respect to localities in which powers are exercised under that title to provide temporary housing for distressed veterans and distressed families of servicemen and veterans. Prior to this amendment (Regulation 60-5E-1), such finding was limited to localities in which war housing had been programmed or built. It is the purpose of this Regulation to remove that limitation so that the above powers may be exercised in additional localities where the finding is otherwise applicable.

Section 703.4 (b) of Title 24, Code of Federal Regulations (subsection 4.02 of NHA Regulation 60-5E; 10 F.R. 15107) is hereby amended to read as follows:

(b) The finding made in § 701.12 of Title 24, Code of Federal Regulations (section 3 of NHA Regulation 60-14; 10 F.R. 8685) is hereby continued and broadened to read as follows: "In accordance with Title V (Section 501) of the Lanham Act (Public 849, 76th Congress, as amended) and subject to subsequent determinations, it is hereby found that in those localities where distressed veterans or distressed families of servicemen or veterans are without adequate housing accommodations and are unable to find such accommodations within their financial reach, an acute shortage of housing exists within the meaning of said section 501 and that, because of war restrictions, permanent housing cannot be provided in sufficient quantities when needed."

(55 Stat. 838, E.O. 9070, 7 F.R. 1529; and 54 Stat. 1125, as amended)

This regulation shall be effective immediately.

LYMAN S. MOORE,
Acting Administrator.

[F. R. Doc. 45-22870; Filed, Dec. 21, 1945; 3:40 p. m.]

[NHA Gen. Order 21-32]

PART 705—DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY TO FPHA TO MAKE SURPLUS PROPERTY AVAILABLE FOR VETERANS HOUSING

§ 705.5 *Purpose.* (a) The purpose of this general order is to authorize FPHA to exercise the powers of the National Housing Agency as a disposal agency in making surplus property available for veterans housing as herein provided.

§ 705.6 *Delegation of authority.* (a) The FPHA is hereby authorized to exercise the powers, functions and duties of the National Housing Agency as a disposal agency pursuant to Surplus Property Administration Special Order 25, issued December 5, 1945 (10 F.R. 14966) in making property available thereunder for the housing of veterans and their immediate families as programmed by the Office of the Administrator.

(55 Stat. 838; E.O. 9070, 3 CFR Cum. Supp.; 58 Stat. 765; SPA Special Order 25, 10 F.R. 14966)

This general order shall be effective immediately.

LYMAN S. MOORE,
Acting Administrator.

[F. R. Doc. 45-22869; Filed, Dec. 21, 1945; 3:40 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5486]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES [1]

DECEMBER 21, 1945.

By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, 53 Stat. 71, as amended by section 163 of the Revenue Act of 1942, 56 Stat. 870; 26 U.S.C., and Sup., 202 (b), it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1945 shall be .9539.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-22894; Filed, Dec. 26, 1945; 11:36 a. m.]

[1] See § 29.202-1.

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 83, Amdt. 1]

PART 1119—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF ARKANSAS

WORKERS ENGAGED IN HARVESTING COTTON IN CERTAIN ARKANSAS COUNTIES

Section 1119.1 (10 F.R. 12189); subparagraph (b) (2), which establishes maximum wages for pulling or snapping American Upland cotton, is hereby amended to read as follows:

(2) Maximum wages for pulling or snapping American Upland cotton—$1.40 per 100 pounds of seed cotton.

Effective date. This amendment shall become effective at 12:01 a. m., Central Standard Time, December 21, 1945.

(56 Stat. 765 (1942), 50 U.S.C. App. 961 et seq., (Supp. IV); 57 Stat. 63 (1943); 50 U.S.C. 964 (Supp. IV); 58 Stat. 632 (1944); Pub. Law 108, 79th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9577, 10 F.R. 8087; regulations of the Economic Stabilization Director, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035, 14547, 10 F.R. 9478, 9628; regulations of the War Food Administrator, 9 F.R. 655, 12117, 12611, 10 F.R. 7609, 9581; 9 F.R. 831, 12807, 14206, 10 F.R. 3177)

Issued this 21st day of December 1945.

[SEAL] K. A. BUTLER,
Acting Director of Labor,
U. S. Department of Agriculture.

[F. R. Doc. 45-22888; Filed, Dec. 26, 1945; 11:06 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL HIGH VOLATILE PRODUCERS IN DISTRICT 8 LOCATED ON THE CHESAPEAKE AND OHIO RAILWAY SYSTEM

The following notice of direction to all high volatile producers in District 8 located on the Chesapeake and Ohio Railway System has been issued today:

Pursuant to SFAW Regulation No. 1, as amended, you are directed to ship from each operating high volatile mine on the Chesapeake and Ohio Railway System one-third of the total coal produced at such mine on Friday, December 21, 1945, to the Chesapeake and Ohio Railway Company. To the maximum extent practicable, this tonnage shall

be furnished in mine run and resultant sizes two inches or larger.

Issued this 20th day of December 1945.

DAN H. WHEELER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-22834; Filed, Dec. 21, 1945; 12:01 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 367]

PART 624—VOLUNTEERS

DUTY OF VOLUNTEERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (a) of § 624.5 to read as follows:

§ 624.5 *Duty of volunteer.* (a) A volunteer who is placed in Class I–A or Class I–A–O will be selected for preinduction physical examination (Part 629) and for induction (Part 632) in the same manner as other registrants except that his order number will be disregarded and he will be selected before all other registrants who have not volunteered.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 21, 1945.

[F. R. Doc. 45-22827; Filed, Dec. 21, 1945; 11:13 a. m.]

[Amdt. 368]

PART 629—PHYSICAL EXAMINATION

ORDER TO REPORT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend paragraph (b) of § 629.2 to read as follows:

§ 629.2 *Order to report for preinduction physical examination.* * * *

(b) In filling a preinduction physical examination call, the local board, in the sequence provided in this paragraph, shall mail an Order to Report—Preinduction Physical Examination (Form 215) to specified registrants who have been classified in Class I–A or Class I–A–O, without regard to whether the registrant has requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken. The local board, in filling such preinduction physical examination call, shall, so far as is practicable, select and order to report for preinduction physical examination such specified registrants in the order of the groups listed below:

(1) Volunteers in the sequence they have volunteered for induction;

(2) Nonvolunteers in the sequence of their order numbers except that a nonvolunteer placed in Class I–A or Class I–A–O because he left an agricultural occupation or endeavor or because he left an activity in support of the national health, safety, or interest without a determination of his local board favorable to such leaving shall, regardless of his order number, be ordered to report for preinduction physical examination before any other nonvolunteer.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LOUIS B. HERSHEY,
Director.

DECEMBER 21, 1945.

[F. R. Doc. 45-22828; Filed, Dec. 21, 1945; 11:13 a. m.]

[Amdt. 369]

PART 632—INDUCTION CALLS

MANNER OF SELECTING REGISTRANTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 632.4 to read as follows:

§ 632.4 *Manner of selecting registrants to fill an induction call for men qualified for general military service.* * * *

(b) Insofar as it is practicable to do so without affecting the usual orderly and regular flow of the Nation's manpower into the armed forces, the local board shall select and order to report for induction such specified men in the order of the groups listed below:

(1) Volunteers in the sequence they have volunteered for induction;

(2) Nonvolunteers in the sequence of their order numbers except that a nonvolunteer placed in Class I–A, or Class I–A–O because he left an agricultural occupation or endeavor or because he left an activity in support of the national health, safety, or interest without a determination of his local board favorable to such leaving, or who is a delinquent shall, regardless of his order number, be ordered to report for induction before any other nonvolunteer.

2. Delete § 632.7 in its entirety.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 21, 1945.

[F. R. Doc. 45-22829; Filed, Dec. 21, 1945; 11:13 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 7]

SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE THE PRODUCTION OF PENICILLIN

The following direction is issued pursuant to PR 28:

(a) Production of penicillin is substantially below minimum requirements and the increased production of this drug for military and civilian use is important in the treatment of certain serious diseases. Consequently, Civilian Production Administration will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulaton 28 in accordance with the conditions of this direction where necessary to expand the production of penicillin.

(b) *Producers of penicillin*—(1) *Capital equipment.* CC ratings may be assigned to producers of penicillin for capital equipment where the producer is unable to obtain delivery without priorities assistance and (i) the equipment will result in a substantial increase in production or (ii) the equipment is needed to replace present operating equipment which is in present danger of imminent breakdown.

(2) *Construction.* CC ratings may be assigned for materials which cannot be obtained without ratings where required for construction of new plants and expansion of existing plants.

(3) *Production materials and MRO.* CC ratings may be assigned for production materials and MRO needed by producers of penicillin where the producer demonstrates that he is unable to obtain the item without priorities assistance.

(c) *Builders of penicillin projects.* CC ratings will be assigned to persons engaged in building penicillin plants for capital equipment and MRO required to complete the construction on time where the builder demonstrates that he is unable to obtain the essential machinery, equipment or supplies without the use of ratings.

(d) *PR–28 still applies.* In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 26th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-22919; Filed, Dec. 26, 1945; 11:51 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, as Amended Dec. 20, 1945]

Sec.

§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to all business transactions unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) [Deleted Oct. 1, 1945.]

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 944.1b [Deleted Oct. 1, 1945.]

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the War Production Board or Civilian Production Administration has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA order) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchases see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted in Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board or Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(g) Some orders of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the Civilian Production Administration assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating is applied for. Ratings are also assigned by certain governmental agencies, authorized by the Civilian Production Administration, to their own purchase orders or contracts. In some cases the Civilian Production Administration will

raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than $25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 *Sequence of preference ratings.* Preference ratings in order of precedence are: AAA, MM, and CC. In addition, HH ratings will be assigned for housing under the rules explained in Priorities Regulation 33, and those ratings will be equivalent to CC ratings. All other WPB or CPA preference ratings have no effect, and any order bearing such ratings must be treated as an unrated order unless specifically rated AAA, MM, CC or HH.

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any order, the matter is to be referred to the Civilian Production Administration for determination, with a statement of all pertinent facts.

§ 944.7 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

(For the effect of changes in customers' orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12).

§ 944.8 *Delivery or performance dates.* (a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose. There are three exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (2) orders for not more than $100; (3) orders rated AAA.

NOTE: Subparagraph (1) deleted and subparagraphs (2), (3) and (4) redesignated (1), (2) and (3), respectively, Dec. 11, 1945.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

§ 944.9 *Report to Civilian Production Administration of improper delay of orders.* When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 *Effect of other regulations and orders.* Specific allocations or other directions of the Civilian Production Administration for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the Civilian Production Administration apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.10a *Effect of revocation of orders and regulations.* (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

NOTE: The instrument of revocation for many orders is Priorities Regulation 31.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regula-

tions, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 *Use or disposition of material acquired with priorities assistance.* (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, MM, CC or HH, allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA (for example, Direction 12 to Priorities Regulation 1).

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 944.12 *Intra-company deliveries.* When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 *Scope of regulations and orders.* All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

§ 944.13a *Defense against claims for damages.* No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 *Inventory restrictions.* No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 *Records.* Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 *Audit and inspection.* All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 *Reports.* Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

§ 944.18 *Violations.* Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under priority or allocation control and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 *Appeals for relief in exceptional cases.* Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 *Notification of customers.* Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 20th day of December 1945.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA–5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES AND OPA CEILING PRICES

An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price.

Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment".

"Regularly established prices" cannot be higher than OPA ceiling prices. They may, however, be lower. (Issued Mar. 18, 1944.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated MM and 20 rated CC. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated MM and 24 rated CC and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

INTERPRETATION 4: Revoked October 1, 1945.

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the Civilian Production Administration may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 7: Revoked August 28, 1945.

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in Civilian Production Administration orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the Civilian Production Administration provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable Civilian Production Administration order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944.)

INTERPRETATION 9: Revoked March 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

INTERPRETATION 11

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF CPA RESTRICTIONS

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination, cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of

§ 944.11 of PR–1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition*—(1) *Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR–13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR–1. (Issued Dec. 11, 1945)

INTERPRETATION 15: Revoked August 28, 1945.

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28, 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (Dec. 11, 1945):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB–646.

[F. R. Doc. 45–22823; Filed, Dec. 20, 1945; 4:52 p. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132, Amdt. 14]

RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1315.70 (a), Table I, of Maximum Price Regulation 132 is amended in the following respects:

a. Under the heading "Gaiters", the item "Women's warm-lined (shearling)" is amended to read:

Women's warm-lined (shearling trim).	

b. The following items and prices are added under the heading "Gaiters" immediately following the item "Women's warm-lined (shearling trim)":

Misses' warm-lined (shearling trim)	$3.20
Child's warm-lined (shearling trim)	3.10

This amendment shall become effective December 26, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–22840; Filed, Dec. 21, 1945; 1:21 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 266,[1] Amdt. 1]

CERTAIN TISSUE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 266 is amended in the following respects:

1. A new subparagraph (d) (6) is added to section 15 to read as follows:

(6) When a retailer sells cabinets or other fixtures for the dispensing of toilet tissue, he may add to his acquisition cost of such cabinet or fixture the same dollar and cent margin which he applied in March 1942. In the event he made no such sales in March 1942 he shall use the same dollar and cent mark-up applied by his closest competitive seller in sales of such items in March 1942.

2. A new subparagraph (d) (6) is added to Section 16 to read as follows:

[1] 10 F.R. 12639.

(6) When a retailer sells cabinets or other fixtures for the dispensing of paper towels, he may add to his acquisition cost of such cabinet or fixture the same dollar and cent margin which he applied in March 1942. In the event he made no such sales in March 1942 he shall use the same dollar and cent mark-up applied by his closest competitive seller in sales of such items in March 1942.

This amendment shall become effective December 21, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22639; Filed, Dec. 21, 1945; 1:21 p. m.]

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASONRY MATERIALS

[RMPR 206, Amdt. 16]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 206 is amended in the following respects:

1. Section 4.1 (a) (5) is redesignated as section 4.1 (a) (6) and is amended to read as follows:

(6) Maximum prices for sales f. o. b. factory on a "pick-up basis" except within the St. Louis Metropolitan Area, and for "less-than-carload shipments by rail," of sewer pipe products not specifically covered by subparagraphs (1), (2), (3), (4) and (5) above, shall be a price not in excess of the highest price charged for delivery on a "pick-up basis" and for "less-than-carload shipments by rail" during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class.

2. A new section 4.1 (a) (5) is added to read as follows:

(5) In the case of sales of sewer pipe products 6'' and above sold f. o. b. factory on a "pick-up basis" or for "less-than-carload shipments by rail" within the Southern California Area as defined in section 11.1 below, any manufacturer may increase his price in accordance with either of the following alternative pricing methods:

(i) By adding an amount not in excess of 11% to the highest prices charged by the manufacturer during the month of March 1942 for the same quality, kind and quantity of sewer pipe and fittings, 6'' and above, delivered to purchasers of the same class.

(ii) By adding amounts not in excess of such amounts as may be required to maintain discount differentials between prices established under this paragraph and those established by section 11.4 at least as favorable as those existing during the month of March 1942 for the same quality, kind, and quantity of sewer pipe, and fittings 6'' and above, delivered to purchasers of the same class.

3. Chart I of section 11.3 is amended to read as follows:

CHART I—F. O. B. FACTORY DISCOUNTS

Discount number	Southern California, zones 1 to 5 inclusive		Arizona, zone 1; Nevada, zone 3	
	Dealer	Trade	Dealer	Trade
1				
2	19	10	19	
3	13	3		
4				
5	20	11	20	
6	28	28	28	
7	28	28	28	
8	28	28		
9	37	37		
10	73	67		
11	50	50		
12	6	6	6	6
13	17	17	17	17
14	17	17	17	17
15	10	10	28	
16	10	10	28	
17	10	10	28	
18	10	10	28	
19	10	10	28	
20	10	10	28	
21	10	10	28	
22	10	10	28	
23	10	10	28	

4. Chart II of section 11.3 is amended to read as follows:

CHART II—CARLOAD SHIPMENTS—DELIVERED BY RAIL

Discount number	Southern California, zones 1, 2, 3, 4, 5		Arizona, zone 1		Nevada, zone 3	
	Dealer	Trade	Dealer	Trade	Dealer	Trade
2	15	5	9½	½	11½	2½
3	8½	+2				
4						
5	10	List	4	+4	8	+1
6	22	22	13	13	17	17
7	22	22	16	16	18	18
8	24	24				
9	31	31				
10	68	61				
11	39	39				
12	+5	+5	+11	+11	+7	+7
13	11	11	½	½	4	4
14	11	11	3	3	3	3
15	5	5	12	+5½	+19½	1½
16	5	5	17	+1	22½	4½
17	5	5				
18	5	5	15	+3	20½	2½
19	5	5	20	2½	20½	2½
20	5	5				
21	5	5				
22	5	5				

5. Chart III of section 11.3 is amended to read as follows:

CHART III—8 TONS OR MORE, DELIVERED BY MOTOR CARRIER

Discount number	Southern California, zone 1		Southern California, zone 2		Southern California, zone 3		Southern California, zone 4		Southern California, zone 5		Nevada, zone 3	
	Dealer	Trade	Dealer	Trade	Dealer	Trade	Dealer	Trade	Dealer	Trade	Dealer	Trade
2	19	10	19	10	15	5	15	5	10½	List	9	+½
3	13	3	13	3	8½	+2	8½	+2	4	+7		
4												
5	20	11	20	11	15	6	10	List	6	+5	3	+2
6	28	28	28	28	21½	21½	21½	21½	19	19	13	13
7	28	28	26	26	22	22	20	20	15	15	15	15
8	28	28	28	28	24	24	24	24	20	20		
9	37	37	37	37	31	31	31	31	26	26		
10	69	61	69	61	62	56	62	56	57	50		
11	44	44	44	44	39	39	39	39	33	33		
12	6	6	List	List	List	List	+5	+5	+11	+11	+17	+17
13	17	17	17	17	15	15	11	11	8	8	+7½	+7½
14	17	17	17	17	15	15	11	11	8	8	+4	+4
15	10	10	10	10	7	7	5	5	List	List		
16	10	10	10	10	7	7	5	5	List	List		
17	10	10	10	10	7	7	5	5	List	List		
18	10	10	10	10	7	7	5	5	List	List		
19	10	10	10	10	7	7	5	5	List	List		
20	10	10	10	10	7	7	5	5	List	List		

This amendment shall become effective December 26, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22841; Filed, Dec. 21, 1945; 1:16 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3, Amdt. 54]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 8.3a is added to read as follows:

SEC. 8.3a *An industrial user may transfer all or part of his base*—(a) *How application is made.* An industrial user and his customer may apply for the transfer to the customer of all or part of the industrial user's base period use which is allocable to products manufactured by the industrial user during the base period and delivered to the customer, whether or not the industrial user transfers any part of his business to the customer. A joint application must be made, in writing, to the District Office for the place where the customer's principal place of business is or will be located. The application must be signed by both parties. The application must state:

(1) The name and address of the industrial user's establishment;

(2) The name and address of the customer's establishment;

(3) The product or products with respect to which application is made;

(4) The total amount of each class of product manufactured during the base period and delivered to the customer, and the amount of sugar used in each class;

(5) The amount of the sugar base which the industrial user wishes to transfer to the customer.

(b) *Action on application.* If the District Office finds that the statements made in the application are true, it shall permit the customer to register his industrial user establishment, if necessary, and establish a base period use, or increase an existing base period use, for the customer's establishment for the class of products for which application is made, in the amount which the application requests. The amount transferred, however, may not be greater than that part of the industrial user's base period use for that class of products which is allocable to products manufactured during the base period and delivered to the customer.

(c) *Reduction of base period use; issuance of allotment.* As soon as the customer is permitted to register and receives a base period use, the District Office shall notify the District Office where the industrial user is registered. The District Office where the industrial user is registered shall reduce the base period use of the industrial user for the class of products in question by the amount of the base period use established for the customer. The application shall be deemed an application for an allotment for the customer for the current allotment period made as of the date on which the application is approved. The District Office where the application is filed shall issue a check for the amount of the allotment, and shall notify the District Office where the industrial user is registered of the issuance of the allotment. The latter District Office shall then charge the amount of the allotment against the industrial user's next allotment as excess inventory.

This amendment shall become effective December 26, 1945.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22836; Filed, Dec. 21, 1945; 1:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 55]

SUGAR

A rationale for this amendment will be issued and filed with the Division of the Federal Register.

Section 10.3 is added to read as follows:

SEC. 10.3 *Certain persons who used sugar-containing products may apply for a base or an adjustment in base.* (a) A person who used a sugar-containing product in the production (or manufacture) of other products, other than those he used in the preparation of food which he serves to his customers, or in the service of food to consumers; may apply for a sugar base, or an adjustment in his base period use, when it is shown that:

(1) Fire, flood, strike or similar catastrophe or other circumstances affected his operation during the period from January 1, 1941 to January 1, 1942, and caused his use of such sugar-containing product during that year to be less than it would otherwise have been; or

(2) He invested before April 20, 1942, in productive equipment (or facilities) for the use of sugar-containing products which had not been installed in his plant available for use until after January 1, 1941 with the result that he used less sugar-containing products during 1941 than he otherwise would have used.

(b) Application shall be made before March 1, 1946, on OPA Form R-365 and give all the information required by that Form. The application must be filed:

(1) At the District Office for the place where the industrial user establishment is registered if the petition is for an adjustment in base of a registered industrial user establishment.

(2) With the District Office authorized to keep the files of industrial users for the place where the petitioner's establishment is located, if:

(i) He does not have a registered establishment and the petition covers only one establishment;

(ii) The petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If the petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.)

(3) With the District Office authorized to keep the files of industrial users for the place where the petitioner's principal office is located, if:

(i) The petition covers more than one establishment and the petitioner desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the ineligible establishment with it.

(c) A transferee of the person who had the establishment in the period from January 1, 1941 to January 1, 1942 (or January 15, 1941 to April 20, 1942 as the case may be) may not apply under this section unless:

(1) He obtained the establishment by inheritance or will, or

(2) The change in ownership is only as to the form of the business organization but the same parties both in interest and in number have the establishment at the time of application.

(d) A person is not eligible to apply for an adjustment for a product under this section if he:

(1) Used jams, jellies, preserves, marmalades or fruit butters in making that product, or who made jams, jellies, preserves, marmalades or fruit butters; or

(2) Used a sugar-containing product in making a product for which a provisional allowance may be obtained or who makes a sugar-containing product for which a provisional allowance may be obtained.

(e) A District Office may not act on an application filed under this section but must send the application, together with all other information received, including the entire file, to the Regional Office for decision.

This amendment shall become effective December 26, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22837; Filed, Dec. 21, 1945; 1:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Supp. Service Reg. 67]

LINEN SUPPLY SERVICE IN CERTAIN COUNTIES IN WESTERN PENNSYLVANIA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 67 has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599 and 9651, Supplementary Service Regulation No. 67 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which, prior to the issuance of the regulation, were in general use by the trade in the affected areas.

§ 1499.701 *Linen supply services in certain counties in Western Pennsylvania*—(a) *Maximum prices.* The maximum prices established by Revised Maximum Price Regulation No. 165 for linen supply services when supplied by sellers located in the geographical area described below are hereby modified and henceforth shall be the prices set forth in Appendix A, except for "large accounts" as herein defined. Lower prices than those established by this regulation may be charged.

(b) *Geographical area.* This regulation applies to the linen supply establishments located in the following area:

The counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Lawrence, Mercer, Venango, Warren, Washington, and Westmoreland, in the State of Pennsylvania.

(c) *Nature of accounts*—(1) *Large accounts.* The maximum prices for a "large account" shall remain subject to the provisions of Revised Maximum Price Regulation 165, and any applicable supplementary service regulation.

"Large account" means a volume of $50 or more of linen supply service sold or delivered to a place of business during

[1] 9 F.R. 13641.

the calendar week ending November 3, 1945; it also means an account above the $50 weekly minimum which has been designated as a "large account" by an OPA order in accordance with the provisions of paragraph (c) (2) below.

(2) *Change in nature of accounts.* If the weekly volume of an account increases to $50 or more or if a "large account" decreases in volume below such weekly amount, and such increase or decrease continues for four consecutive weeks, the appropriate OPA office may upon presentation of satisfactory evidence by the supplier or the purchaser issue an order reclassifying such account. Upon such reclassification, the account shall then be subject to the appropriate maximum prices for its size in accordance with the provisions of this regulation.

(d) *Applicability of Revised Maximum Price Regulation 165.* Except as provided to the contrary, all the other provisions of Revised Maximum Price Regulation 165 and any applicable supplementary service regulation shall apply to the linen service suppliers subject to this regulation.

(e) *Definitions.* (1) "Linen Supply Service" means the providing of clean linens and/or garments which are owned by the supplier to industrial, commercial, or professional users.

(2) "Linens" is not confined to articles made of linen textiles, but includes all articles of whatsoever fabric made, which are commonly embraced by that term.

(3) The designations of items of laundry services used in this regulation shall be given their ordinary trade meanings as used in the affected areas unless indicated to the contrary herein.

(4) "Special" when used in connection with linen supplies means an item made of damask material or other special quality, color or design or specially tailored according to specifications previously ordered by a purchaser.

(f) *Notice requirements.* Within 30 days from the effective date of this regulation, every seller of linen supply services covered by this regulation shall notify each of his customers of the maximum prices established herein.

(g) *Invoices.* Seller's invoices or bills must describe the items of service supplied in the terms used in this regulation.

(h) *Elimination of individual adjustments.* On and after the effective date of this Supplementary Service Regulation, the provisions of section 16 of Revised Maximum Price Regulation 165 shall no longer be available to sellers covered by this regulation as to the services listed herein; furthermore, any adjustment in prices heretofore granted to any establishment is hereby revoked as to the services listed in Appendix A.

(i) *Delegation of authority.* The New York Regional Administrator and any District Director having jurisdiction over the geographical area involved when authorized by the New York Regional Administrator, may administer the provisions of this supplementary service regulation.

APPENDIX A—MAXIMUM PRICES FOR LINEN SUPPLY ITEMS

	Per piece
1. Apron, Bar or Bib	$0.10
2. Apron, Tea	.05
3. Bar Mop	.04
4. Cap or Headband	.10
5. Coat, Plain	.30
6. Coat, Special	.35
7. Dress, Bungalow	.35
8. Dress, Smock, Hoover or Gown	.35
9. Frock	.40
10. Hair Cloth	.10
11. Napkin, 18"	.0125
12. Pillow Case	.06
13. Sheet, all sizes	.13
14. Shirt	.20
15. Spread	.20
16. Table Cloth, 54" x 64"	.10
17. Table Cloth, 72"	.12
18. Table Top, 36" to 45"	.08
19. Table Top, 45" by 45", Colored	.09
20. Towel, Barber, Absorbent, Huck or Twill	.013
21. Towel, Barber, Massage, 16" x 27"	.03
22. Towel, Barber, Massage, 18" x 36"	$0.04
23. Towel, Bath, Large, 20" x 40"	.05
24. Towel, Bath, Small, 18" x 36"	.04
25. Towel, Beauty, Absorbent, Huck or Twill	.0165
26. Towel, Beauty, Massage, 16" x 27"	.03
27. Towel, Breast	.03
28. Towel, Dental	.02
29. Towel, Dental or Barber, Seconds	.0175
30. Towel, Hand or Face, Larger, 18" x 36"	.035
31. Towel, Hand or Face, Small, 16" x 32"	.03
32. Towel, Manicure, 14" x 14"	.0125
33. Towel, Professional	.02
34. Towel, Roller—2 yards	.10
35. Towel, Side Glass and Kitchen	.03
36. Trousers	.32

TOWEL SERVICE

Hand Towels—Including 1 cabinet:	
4 towels per week	$1.50 per month.
6 towels per week	$1.75 per month.
Each additional towel, up to and including 50 towels per week	$0.25 per month.
Each additional towel over 50 per week	$0.20 per month.
Additional cabinets	$0.20 per month.
Roller Towels—Including 1 cabinet:	
3 towels per week	$1.75 per month.
Each additional towel, up to and including 30 towels per week	$0.35 per month.
Each additional towel over 30 per week	$0.30 per month.
Additional cabinets	$0.20 per month.

CONTINUOUS ROLL TOWEL SERVICE

1—16⅔ yard roll per week, minimum charge	$1.50 per month.
Additional rolls	$0.25 each.
1—25 yard roll per week, minimum charge	$2.00 per month.
Additional rolls	$0.40 each.
1—50 yard roll per week, minimum charge	$3.50 per month.
Additional 50 yard rolls up to and including 5 per week	$0.75 each.
6 up to and including 10 per week	$0.65 each.
11 up to and including 25 per week	$0.55 each.
26 up to and including 50 per week	$0.45 each.
Over 50 rolls per week	$0.37½ each.

DENTAL AND PROFESSIONAL COATS

1 coat per week	$1.50 per month.
Each additional coat per week	$1.25 per month.

This Supplementary Service Regulation shall become effective December 26, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22849; Filed, Dec. 21, 1945; 1:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580,[1] Amdt. 5 to Gen. Retail Order 3[2]]

KNITTED UNDERWEAR

An opinion accompanying this Amendment 5 to General Retail Order No. 3 under Section 23 of Maximum Price Regulation 580, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Retail Order No. 3 under Section 23 of Maximum Price Regulation 580 is amended in the following respect:

The effective date provision of Amendment 3 to General Retail Order 3 to Maximum Price Regulation 580 is amended to read as follows:

This amendment shall become effective December 20, 1945, except that until January 15, 1946, any article of knitted underwear included in item 3 may be sold and delivered at or below the ceiling price in effect on December 19, 1945.

This amendment shall become effective December 20, 1945.

Issued this 20th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22820; Filed, Dec. 20, 1945; 4:35 p. m.]

PART 1305—ADMINISTRATION

[SO 126, Amdt. 13]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amend-

ment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. In section 6, the phrase "sections 8, 9, and 10" is amended to read "sections 7, 8, 9, and 10."

2. A new miscellaneous article is added to section 7 (a) to read as follows:

Carpet in the roll when sold by carpet manufacturers to automobile manufacturers or to subassembly manufacturers of automobiles for use in the manufacture of automobile floor mats which will be original equipment for new automobiles.

Before delivery, a purchaser of carpet to be used as described in the preceding paragraph, shall notify the seller in writing of his status as an automobile manufacturer or a subassembler of automobiles, and of the quantity of carpet required by him in the manufacture of automobile floor mats for use as original equipment. The seller may rely upon the buyer's notification and treat as suspended from price control the sale and delivery of the quantity of carpet stated by the purchaser.

This amendment shall become effective on the 31st day of December 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22901; Filed, Dec. 26, 1945; 11:41 a. m.]

PART 1305—ADMINISTRATION

[SO 129, Amdt. 7]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 129 is amended in the following respects:

1. Section 2 is amended by adding the following paragraph (c):

(c) *Millwork, containers and accessories as follows:*

Wooden cooperage dowels.

2. Section 3 (a) is amended by adding the following to the list of commodities thereunder:

Domestically grown bamboo poles.

3. Section 4 (b) is amended by adding the following to the list of commodities thereunder:

Horseshow buggies and horserace sulkies.

4. Section 4 is amended by adding the following paragraph (e):

(e) Sales otherwise subject to MPR 67, RMPR 136, MPR 351, MPR 452, MPR 543 or MPR 581 of commodities and services sold by schools whose primary function is the training of students in a trade or vocation.

5. A new section 5 is added to Article I as follows:

SEC. 5 *Metals*—(a) *Non-ferrous metals* and products as follows:

Pig tin when sold by the Office of Metals Reserve of the Reconstruction Finance Corporation for export.

6. A new section 6 is added to Article I as follows:

SEC. 6 *Motor vehicles and equipment*—(a) *Motorcycles.*

Motorcycles specially designed and manufactured for racing.

7. Section 8 (a) (2) is amended by adding the following to the list of commodities thereunder:

Commercial and display fireworks.

8. Section 8 (b) is amended to read as follows:

(b) *Miscellaneous commodities made in whole or in part of rubber, synthetic or substitute rubber and related services as follows:*

Advertising streamers made from coated fabrics.
Bust forms and fillers (other than surgical bust forms and fillers).
Items made from the covering of the caecum of a sheep or cow.
The service of repairing airplane tires with types of repairs designed for airplane use.

9. Section 10 (b) is amended to read as follows:

(b) *Mechanical building equipment covered by MPR 591 as follows:*

(1) Hardware as follows:

Casket and casket shell hardware.
Mail chutes, except pneumatic.

(2) Miscellaneous cast and sheet metal building materials as follows:

Aluminum molding, binding and edging.
Caps, corners and cornices.
Cast iron risers manufactured in accordance with the specifications of applicable sanitary laws or regulations.
Coal chutes.
Flag poles and staffs.
Metal awnings.
Non-metallic air and fume conductor devices and accessories.
Stainless steel molding, binding and edging.
Tie rods and accessories, except inserts, especially designed for concrete form construction which become permanent parts of the structure.
Vault doors.
Walk gates, not including farm gates and fences.
Window guards.

(3) Valves and pipe fittings as follows:

Automatic regulating valves and float valves
(i) Larger than 3" IPS regardless of pressure rating.
(ii) All sizes designed to operate at pressures in excess of 300 pounds per square inch pressure.
Automatically and manually operated safety and relief valves (not including combination temperature pressure relief valves for hot water supply systems).
Bronze fittings and valves with ends for high temperature brazing but not including fittings or valves using solder materials for joining.
Forged steel fittings, screwed ends, flanged ends and welding ends, except steel welding fittings designed to operate at pressure less than 250 pounds per square inch pressure.
Iron, bronze or steel lubricated or asbestos packed plug valves.
Manually operated, motorized and motor operated valves designed to operate at pressure exceeding 250 pounds steam working pressure per square inch, regardless of size or material.
Pipe fittings manufactured from steel, carbon steel or alloy steel having screwed, flanged or welding ends regardless of size or pressure, except steel welding fittings and flanges designed to operate at pressure less than 250 pounds per square inch pressure.
Screwed end and flanged end pipe fittings and pipe unions designed to operate at pressure exceeding 250 pounds steam working pressure per square inch regardless of size.
Single pressure and multi-pressure 2, 3 and 4 way hydraulic and pneumatic valves.
Steel turbine valves.
Valves especially designed for paper and pulp mill services and so designated by the manufacturer.
Valves having copper alloy bodies larger than 4" IPS.
Valves having ferrous bodies larger than 8" IPS.
Valves having ferrous bodies with hub ends.
Valves having forged steel body.
Valves having steel, carbon steel or alloy steel body.

(4) Piping accessories as follows:

Cocks, ground key, plug type corporation, curb and service patterns as used by water and gas utilities for underground water and service connections.
Indicating pressure gauges:
(i) Having cast cases with dial faces 4½" diameter and larger.
(ii) Having pressed metal cases with dial faces 6½" and larger.
(iii) Having cast or phenolic plastic cases and made to any U. S. Navy specifications.
Indicating pressure test gauges, all types.
Perfection oil gates.
Post indicators.
Wood casing for pipe.

(5) Plumbing equipment and accessories as follows:

Cast iron pressure pipe and fittings.
C. N. I. Alloy cast iron thread pipe, couplings and nipples.
Fire hydrants of the dry barrel type.
Liquid soap dispensing equipment, except portable or detachable self-contained units.
Manholes and covers.
Metal clad wooden plumbing fixtures.
Meter boxes (outside).
Oil separators, all types, except those covered by RMPR 136.
Plastic pipe and tubing manufactured from co-polymer vinyl and vinylidene.
Repair clamps and couplings, except garden hose clamps and couplings.

10. Section 12 (a) is amended by adding the following to the list of commodities thereunder:

Electro-therapeutic apparatus and parts and accessories upon which further fabrication need not be performed in order to complete their identification as parts or accessories specially designed for incorporation in or attachment to electro-therapeutic apparatus.

11. Section 12 (c) is amended by adding the following to the list of commodities thereunder:

Ingot molds, spruces, sprue plates, fountains and runners, cast of pig iron, for use in steel making and pouring.

Molds, generally made of sheet metal, used in commercial production for forming large blocks of ice.

12. Section 12 (e) is amended by changing the item "knitting needles, industrial" to read as follows:

Knitting machine needles, industrial, and all component parts and accessories (such as sinkers, dividers, jacks, combs, sliders and transfer points).

13. Section 16 (a) is amended by adding the following to the list of commodities thereunder:

Beeswax comb foundations.

14. Section 16 is amended by adding the following paragraph (b):

(b) *Miscellaneous commodities made in whole or in part of rubber, synthetic or substitute rubber as follows:*

Pneumatic life rafts.

15. Section 18 (b) (3) is amended by inserting the words "component parts or accessories" between the words "of any class" and "over the maximum prices".

16. Section 18 (b) is amended by adding the following subparagraph (5):

(5) *Ingot molds, etc.; reports of increased prices.* Any manufacturer who increases his selling prices, either by quotation or charge, for ingot molds, spruces, sprue plates, fountains or runners, cast of pig iron, for use in steel making and pouring, over the maximum prices in effect on December 30, 1945, shall notify the Machinery Branch, Office of Price Administration, Washington 25, D. C., of each such change within ten days after the time of the price change.

This amendment shall become effective December 31, 1945.

NOTE: The reporting provision of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22904; Filed, Dec. 26, 1945; 11:43 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3,[1] Amdt. 13]

RATION BANKING: BANKS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 2 is amended in the following respects:

Section 1305.411 (c) (9) is amended by substituting the phrase, "On or before January 31, 1946," for the phrase, "On or before December 31, 1945."

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22895; Filed, Dec. 26, 1945; 11:41 a. m.]

[1] 8 F.R. 865, 2858, 4627, 9456, 13611, 9 F.R. 2212.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A, Revocation]

TIRES, TUBES, RECAPPING AND CAMELBACK

Subject to section 5.1 of General Ration Order 8, Ration Order No. 1A (Tires, Tubes, Recapping and Camelback) and all Office of Price Administration revocation or suspension orders, to the extent that they relate to tires, tubes, recapping and camelback, are revoked.

This order of revocation shall become effective at 12:01 a. m., January 1, 1946.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22896; Filed, Dec. 26, 1945; 11:41 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 148, Amdt. 32]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 148 is amended by the addition of paragraph (i) to Schedule I § 1364.35, to read as follows:

(i) Products for export only.

Item	Weight (pounds)	Price
1. Hams, regular—shank on (96 hour smoke, long cure, wrapped).	Under 12	$30.00
	12-16	29.25
	Over 16	28.25
2. Hams, skinned—shank on (96 hour smoke, long cure, wrapped).	Under 12	32.25
	12-16	31.50
	Over 16	30.50
3. Bacon, square cut seedless, smoked 96 hours, wrapped:	Under 10	25.30
	10-14	23.50
	14-18	23.00
4. Picnics, bone in, (long cure, smoked 96 hours, wrapped).	All weights	29.25

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

Approved: December 13, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-22898; Filed, Dec. 26, 1945; 11:41 a. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 21]

NEW TIGHT COOPERAGE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 8.3 is added to read as follows:

SEC. 8.3 *Maximum export prices for new tight cooperage*—(a) *Scope of section.* This section establishes a specific formula for computing maximum prices applicable to export sales (except export sales to Canada and to purchasing missions of foreign governments) of new tight cooperage and new tight cooperage stock. It supersedes sections 3 and 4, except as the amendment refers to them. It establishes definite export premiums.

(b) *Computation formula.* The maximum export prices for export sales (except export sales to Canada and to purchasing missions of foreign governments) by any person, of new tight cooperage or new tight cooperage stock (domestic prices for which are established under Maximum Price Regulation 424) shall be the total of the following:

(1) Take the maximum price, f. o. b. mill, applicable under Maximum Price Regulation 424, for a domestic sale as provided in dollars and cents or by formula under sections 5, 6, 18 and 19 or as provided by order signed by the Administrator under sections 8 or 12 (c).

(2) (i) Add 15% of the f. o. b. mill price, if the sale is of prime white oak, bourbon grade, except circle or flat sawn; bucked flat dressed or hand-dressed; all staves for pipes, butts and for containers of similar construction; or

(ii) Add 10% of the f. o. b. mill price, if the sale is of a grade other than specified in sub-section (i) above.

(3) Add expenses which are actually incurred or which will be actually incurred incident to exportation as provided under Section 4 (b) of this Regulation.

(4) Add any amount actually paid as commission to a foreign agent not to exceed 5% of the c. i. f. price and any amount actually allowed as discount not to exceed 2½% of the c. i. f. price.

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22902; Filed, Dec. 26, 1945; 11:41 a. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg., Amdt. 22]

ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 12a is amended to read as follows:

SEC. 12a. *Adjustable pricing.* Any person making an export sale may agree to sell at prices which may be increased to the maximum export price in effect at the time of delivery. No person making an export sale may deliver or agree to deliver at prices to be adjusted upward after delivery except in cases where the Price Administrator has authorized the adjustment of maximum prices either specifically on export sales or on domestic sales of the same commodity after delivery in accordance with action taken by the Office of Price Administration.

In such cases, maximum export prices may be adjusted upward automatically even after delivery to the extent of the amount of adjustment of maximum prices on domestic sales of the same commodity authorized by the Price Administrator by any order or regulation.

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22903; Filed, Dec. 26, 1945; 11:42 a. m.]

PART 1380—HOUSE AND SERVICE MACHINE INDUSTRY

[MPR 598, Amdt. 2]

POSTWAR HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 598 is amended in the following respects:

1. Paragraph (b) (2) (i) of section 6 is amended to read as follows:

(i) Changes in the location, material, or finish of evaporators except that the omission or addition of an evaporator door and any change that reduces or increases the cubic capacity of the evaporator more than 10% are not minor changes.

2. Section 24, Appendix A is amended to read as follows:

SEC. 24. *Appendix A; Ceiling prices for dealers' sales of refrigerators.* The ceiling prices for sales by dealers of the refrigerator models listed below are the applicable prices listed in this appendix.

These prices include:

(1) Delivery.

(2) A five year warranty in the case of electric refrigerators, and in the case of gas and kerosene refrigerators, the warranty customarily given by each dealer except that dealers who provide no extended service agreement beyond the manufacturer's one year warranty shall determine their ceiling prices for such refrigerators by deducting $4.00 from the applicable ceiling price shown below for the particular refrigerator.

(3) The Federal excise tax.

(4) In the case of an electric refrigerator, installation to electric facilities provided by the consumer, or, in the case of a gas refrigerator, installation to gas facilities provided by the consumer if the installation does not require the dealer to provide more than five feet of pipe or tubing.

They do not include state or local taxes imposed at the point of sale. No charge may be added for the extension of credit by the dealer to the ceiling prices in this appendix except in accordance with paragraph (b) of section 15 of this regulation.

The zones shown in the table vary from brand to brand.

Zone boundaries, where more than one zone price is listed, are those shown on maps on file with the Office of Price Administration.

Make	Brand	1946 Model No.	1st Zone	2d Zone	3d Zone	4th Zone	5th Zone
Admiral Corporation	Admiral	CS-746	$187.95	$192.95	$197.95		
		CS-946	217.95	222.95	227.95		
Associated Merchandising Corporation.	A. M. C.	A-736-S	147.95	157.95			
Borg-Warner Corp.	Norge	M-746	193.95	196.95	198.95	200.95	202.95
Copeland Refrigerator Corporation	Copeland		Prices and models to be announced				
The Crosley Corporation	Crosley	SS-746	148.50	150.50	153.50	155.50	
Cussins & Fearn	Whitehouse	C-736-S	147.95				
Edwards Stores	Edwards	E-736-S	147.95				
Edison General Electric Appliance Co., Inc.	Hotpoint	EA6-46	[1] 133.75				
		EA7-46	151.50				
		EB7-46	188.25				
Firestone Tire & Rubber Company	Firestone	F 736 S	147.95	157.95			
Gamble-Skogmo, Inc.	Coronado	44-1993	147.95	157.95			
General Electric Company	General Electric	LB6-46	[1] 133.75				
		LB7-46	151.50				
		JB7-46	188.25				
The General Motors Corporation	Frigidaire	S17	[2] 146.75	[2] 148.25			
		MI7	161.75	163.25			
		MPI7	184.75	186.75			
		DI7	178.50	180.75			
		DPI7	202.00	204.50			
		DI9	224.75	227.50			
		CDI7	248.25	251.75			
		CPDI7	271.50	275.25			
		CDI9	283.25	287.25			
		CPDI9	306.50	310.75			
		CPDI13	482.00	489.25			
		DPI9	247.50	250.50			
		AHI4	137.00	138.25			
		AHI6	140.75	142.00			
Gibson Electric Refrigerator Corporation.	Gibson	F666	172.25	175.25	178.25	181.25	184.25
		F686	196.50	199.50	202.50	205.50	208.50
		F786	215.95	218.95	221.95	224.95	227.95
		SF796	255.50	258.50	261.50	264.50	267.50
Goldblatt Brothers	Freezemaster	6B736S	147.95				
J. L. Hudson	Hudson	A736S	147.95				
Montgomery Ward & Company	Montgomery Ward.		Prices and models to be announced				
Nash-Kelvinator Corp.	Kelvinator	CS-7	[1] 146.95				
		C-7	171.95				
		CD-7	185.95				
		M-9	253.95				
Nash-Kelvinator Corp.	Leonard	SL-7	[1] 146.95				
		L-7	171.95				
		DL-7	185.95				
		LH-9	253.95				
The Philco Corp.	Philco	A-622	156.50	158.50	159.95	164.50	167.50
		A-721	177.50	179.50	182.50	185.50	188.50
		A-731	197.50	199.50	202.50	205.50	208.50
		A-741	217.50	219.50	222.50	225.50	228.50
		A-750	232.50	234.50	237.50	242.50	245.50
		A-751	246.50	248.50	251.50	254.50	257.50
		A-752	263.50	265.50	268.50	271.50	273.50
		A-951	296.50	299.50	302.50	305.50	309.50
		A-950	266.50	269.50	272.50	275.50	279.50
		A-931	216.50	219.50	222.50	225.50	229.50
Rich's Inc.	Rich's	A-736S	147.95				
			Sales from retail stores				
Sears, Roebuck & Co.	Coldspot	45126	[4] 125.95	[5] 130.95	[6] 135.95		
		45236	164.95	169.95	174.95		
		45326	174.95	179.95	183.95		
		45238	183.95	188.95	193.95		
		45428	193.95	198.95	203.95		
		41336	203.95	208.95	213.95		
		41228	183.95	188.95	193.95		
			Mail order sales				
		45126	115.95	120.95	125.95		
		45236	154.95	159.95	164.95		
		45326	164.95	169.95	173.95		
		45238	173.95	178.95	183.95		
		45428	183.95	188.95	193.95		
		41336	193.95	198.95	203.95		
		41228	173.95	178.95	183.95		
Servel, Inc.	Servel	R-400	149.95	153.45	155.95	156.45	
		R-600-A	192.95	196.45	198.95	199.45	
		R-600	274.95	278.45	280.95	281.45	
		R-800A	269.95	273.45	275.95	276.45	
		R-800	324.95	328.45	330.95	331.45	
		N-603	284.95	287.95	290.45	291.95	
		N-803	334.95	337.95	340.45	341.95	
Spiegel	Snowflake	5-7365	147.95				
Western Auto Supply Co.	Coronado	44-1993	147.95	157.95			
Westinghouse Electric & Mfg. Co.	Westinghouse	B-7-46	[1] 179.95				

[1] Zone 1 includes 48 states and Washington, D. C.
[2] Territories served by independent distributors.
[3] Territories served by factory branches.
[4] Midwest Zone.
[5] East-Southeast Zone.
[6] West-Southwest Zone.

This amendment shall become effective on the 31st day of December 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22900; Filed, Dec. 26, 1945; 11:42 a. m.]

PART 1333—TIN

[MPR 17,[1] Amdt. 2]

TIN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 17 is amended in the following respects:

1. Section 2 is amended by the addition of a new paragraph (d) to read as follows:

(d) *Sales or deliveries by the Office of Metals Reserve of the Reconstruction Finance Corporation of pig tin for export.* The maximum prices established in paragraphs (a), (b) and (c) shall not apply to sales or deliveries of pig tin by the Office of Metals Reserve of the Reconstruction Finance Corporation for export. Such transactions are also specifically exempted from any other price regulation.

2. Section 5 (b) is amended to read as follows:

(b) *Export sales.* The maximum price at which any person may export any of the commodities covered by this Regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration; provided, however, that the maximum price for pig tin purchased for export from the Office of Metals Reserve of the Reconstruction Finance Corporation shall be based upon the cost of acquisition from that agency.

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22897; Filed, Dec. 26, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580, Amdt. 8]

RETAIL CEILING PRICES FOR CERTAIN APPAREL AND HOUSE FURNISHINGS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation 580 is amended in the following respects:

1. Section 6 is amended by inserting immediately after the title *Amendment of charts,* the pargaraph designation (a) followed by the subheading *Amendment by seller.*

2. Section 6 is amended by adding paragraph (b) to read as follows:

(b) *Amendment by OPA.* Your OPA District Office may issue an order amending your chart in order to bring your markups into line with markups established under this regulation, if you do not have sufficient records to substantiate the information appearing on your chart and if any percentage markup appearing on your chart is out of line with the level of markups established under this regulation.

This amendment shall become effective December 31, 1945.

Issued this 26th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22899; Filed, Dec. 26, 1945; 11:42 a. m.]

[1] 8 F.R. 12745; 10 F.R. 14145.

Chapter XIX—Reconstruction Finance Corporation

[Reg. 7, Amdt. 9 to Schedule A]

PART 7007—STRIPPER WELL COMPENSATORY ADJUSTMENTS

NOTE: Amendment 9 to Schedule A of Regulation 7 was filed with the Division of the Federal Register as Document 45-22880 on December 26, 1945, at 10:02 a. m.

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

COURSES OF EDUCATION OR TRAINING; STANDARDS OF CONDUCT AND PROGRESS; AND CHANGING A COURSE OF INSTRUCTION

Section 36.249 of instructions concerning Charges and Payments for Tuition, Fees, Books, Supplies, Equipment and other Expenses, is amended to read as follows:

§ 36.249 *Procedure for furnishing books, supplies, and equipment.* * * *

No change in (a).

No change in (b) (1).

(2) Establishments providing on-the-job training may furnish the required articles by purchase in accordance with current regulations governing the procurement of and accounting for trainees property. Prior approval of central office will be necessary when aggregate charges exceed $100.00.

No change in (c) or (d).

(58 Stat. 284; 38 U.S.C. 693)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

DECEMBER 15, 1945.

[F. R. Doc. 45-22871; Filed, Dec. 21, 1945; 3:40 p .m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

OPERATIONS OF STATE COOPERATING AGENCIES AND OTHERS

Sections 36.503 and 36.504 of the regulations governing the operations of State Cooperating Agencies and others concerned with the administration of Title V of the Servicemen's Readjustment Act of 1944, are hereby rescinded and superseded by the following:

§ 36.503 *Applications for allowances.* (a) The veteran's initial application shall be made through local offices or facilities of an agency on a form supplied by the Administrator. Applications may be made by mail pursuant to agency regulations and procedures.

(b) The veteran, at the time he files his application, shall present sufficient evidence of the nature of his discharge or separation from military or naval service and the date and length of his active service. Original or properly authenticated copies of discharge or separation papers, or certificates in lieu of lost or destroyed discharges, shall be deemed sufficient evidence upon which to base a determination of entitlement and the number of weeks of allowances to which the veteran is entitled. A copy of a discharge or separation paper may be considered properly authenticated if such copy is certified by a notary public or other officer authorized by law to administer oaths or take acknowledgments. Photostats of original documents or of certified copies of records may be accepted if the original would be acceptable.

(c) The agency may require any veteran who files an application and has no social security account number to secure such a number.

§ 36.504 *Determination of entitlement.* (a) (1) Any person who served in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination of the present war, and who is discharged or released from active service under conditions other than dishonorable, after active service of 90 days or more or by reason of an injury or disability incurred in service in line of duty, has potential entitlement to allowances under Title V. In determinations of entitlement, credit will not be given for time lost by reason of unauthorized absence for which the service person has forfeited pay. Service with the Women's Army Auxiliary Corps is not considered active service for this purpose.

(2) An application for allowances under Title V made by a person who served in the active military or naval service of the United States after September 16, 1940, and prior to the termination of the present war, and who asserts that he was discharged after active service of less than 90 days by reason of injury or disability, shall be cleared with the Veterans' Administration through the agent unless the statement is made on the discharge or separation papers that he was discharged for disability incurred in service in line of duty.

(3) An application for allowances under Title V will be denied if the applicant (i) was dishonorably discharged; (ii) was discharged on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority; (iii) was discharged as a deserter; (iv) in the case of an officer if his resignation was accepted for the good of the service; or (v) was discharged or separated from the military or naval

service to escape trial by general court martial.

(4) Where the applicant was discharged or separated under other than honorable conditions, for an offense other than one of those specified in subparagraph (3), the application shall be cleared with the Veterans' Administration through the agent.

(b) In determining the maximum number of weekly allowances potentially payable to the veteran under section 900 (b), the agency shall count "each calendar month or major fraction thereof of active service". For the purpose of such determination the term "calendar month" means the month starting with the date of the veteran's entry upon active service, and each such corresponding month ensuing consecutively thereafter; (i. e., the first "calendar month" starts on the beginning date of active service and ends on the day preceding the same date in the succeeding month; *Provided, however,* That if the succeeding month does not include enough days to have a corresponding date, his first "calendar month" will end at the close of such succeeding month. The second "calendar month" starts immediately after the end of the first "calendar month" and its termination is likewise determined, and so on with beginning and ending dates similarly determined.) When a fraction of such a month had elapsed on the veteran's discharge date, any balance of days remaining after the determination of calendar months as herein above described shall be treated as a "major fraction" if it includes 16 days or more.

(c) All of the period between the veteran's entry upon active service and his discharge or separation is considered active service, except those periods of unauthorized absence for which pay was forfeited. When the discharge, including remarks on the reverse of the certificate, does not show the date of entry upon active service but does show the date of induction (or date of enlistment), the latter shall be accepted as date of entry into active service except where active service of ninety days or more is in doubt. In those cases where such doubt exists, the application shall be cleared through the agent to secure determination of entitlement by the Veterans' Administration.

(d) The agency shall make determinations of entitlement following the criteria stated herein, if sufficient evidence to support determinations is presented. If the veteran is unable to present sufficient evidence upon which to base such determination, including a determination as to the period of active service where there was unauthorized absence for which pay was forfeited, the application involved will be cleared through the agent to secure determination of entitlement by the Veterans' Administration. The agency will enter such determinations of entitlement on the application forms. (58 Stat. 284; 38 U. S. C. 693.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

DECEMBER 14, 1945.

[F. R. Doc. 45-22872; Filed, Dec. 21, 1945; 3:40 p. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 2, Rev. Supp. 3]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

MOLASSES

Supp. 3 to General Order 2 is hereby revised by striking out § 303.3 *Uniform tanker voyage charter party, molasses, "Warshipmolvoy"* and inserting in lieu thereof the following:

§ 303.3 *Molasses to be carried under Warshipoilvoy (Revised).* Molasses shall be transported on War Shipping Administration controlled vessels in accordance with the terms and provisions of Warshipoilvoy (Revised) 11-1-45 prescribed by General Order 2, Supp. 7, § 303.2 *Uniform tanker voyage charter for private carriage of liquid bulk cargoes, "Warshipoilvoy (Revised)* 11-1-45", with the special provisions applicable to molasses prescribed by Tanker Operations Regulation No. 7 (Revised) inserted or incorporated among the special provisions of Part I of that charter.

(E.O. 9054, 3 CFR Cum. Supp.)

E. S. LAND,
Administrator.

DECEMBER 21, 1945.

[F. R. Doc. 45-22868; Filed, Dec. 21, 1945; 3:30 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 7070]

PART 16—RULES AND REGULATIONS GOVERNING RAILROAD RADIO SERVICE

FINAL ORDER ADOPTING RULES AND REGULATIONS

Whereas, the Commission on November 14, 1945, issued rules and regulations to govern the operation of radio stations in the new Railroad Radio Service to become effective December 31, 1945; and,

Whereas, the Association of American Railroads thereafter by letter dated December 3, 1945, objected, on behalf of its members, to the adoption of §§ 16.21 and 16.22 of the rules and regulations in the form proposed, and requested an opportunity to present oral argument in support of the changes urged in these two sections of the proposed rules and regulations; and

Whereas, the request of the Association of American Railroads for oral argument was granted by order dated December 12, 1945, which provided that the proposed new Part 16, Rules and Regulations Governing Railroad Radio Service, should not become effective until the further order of the Commission; and

Whereas, the Commission on December 20, 1945, heard oral argument with respect to the form in which the proposed rules and regulations should be finally adopted;

Now, therefore, it is hereby ordered, This 20th day of December 1945, that the proposed new Part 16, Rules and Regulations Governing Railroad Radio Service, be, and it is hereby, adopted, effective December 31, 1945, in the form in which previously issued, as shown on the attachment to Commission order dated November 14, 1945, except that the final sentence in § 16.21 of the proposed rules and regulations shall be deleted.

NOTE: The proposed rules and regulations dated November 14, 1945 (10 F.R. 14262) are reprinted following the signature of this order. The last sentence of § 16.21 has been deleted in accordance with the order.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

DEFINITIONS

LICENSES

APPLICATIONS

TECHNICAL SPECIFICATIONS

OPERATING SPECIFICATIONS; SCOPE OF SERVICE

RECORDS

TESTS

MISCELLANEOUS

AUTHORITY: §§ 16.1 to 16.143 issued under 48 Stat. 1082; 47 U.S.C. 303.

DEFINITIONS [1]

§ 16.1 *Railroad.* The term "railroad" as used in this part includes any railroad common carrier and all facilities of every kind used or necessary in railway transportation.

[1] Reference is made to section 3 of the Communications Act of 1934, as amended, for definitions of "radio communications", "land station", "mobile station", etc., and to Article 1, Sections 1, 2 and 3 of the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunica-

§ 16.2 *Railroad radio service.* The term "railroad radio service" means a radio communication service used in connection with and concerning railroad operations.

§ 16.3 *Train radio station.* The term "train radio station" means a radio station used primarily for end-to-end, fixed point to train, and train to train communications, in connection with the operation of railroad trains over a track or tracks extending through yards and between stations upon which trains are operated by time table or train order, or both, or the use of which is governed by block signals.

§ 16.4 *Yard and terminal radio station.* The term "yard and terminal radio station" means a radio station used for radio communication within railroad yard or terminal areas.

§ 16.5 *Railroad utility radio station.* The term "railroad utility radio station" means a station used for communications which are of practical necessity in connection with railroad operation and maintenance.

LICENSES

§ 16.21 *Eligibility for license.* Authorizations for the various classes of stations in the railroad radio service will be issued only to persons or organizations operating as railroad common carriers.

§ 16.22 *License period.* Unless otherwise stated in the authorization, licenses for all stations in the railroad radio service will be issued for a period of two years, or such shorter period as may be necessary to provide for the expiration of all licenses at 3 a. m. Eastern standard time on February 1.

§ 16.23 *Posting station licenses.* (a) The license of each station operated at a fixed location shall be posted at a convenient place where the transmitter is located.

(b) The license covering each portable and mobile station shall be retained in the files of the licensee and remain available for inspection upon request by any authorized representative of the Commission.

(c) A license verification card issued by the Commission and certifying to the licensed status of each portable or mobile unit shall be attached to each portable or mobile transmitter.

APPLICATIONS

§ 16.41 *Application for authorization for stations operated exclusively on railroad rolling stock.* A construction permit is not required for stations located and operated exclusively on railroad rolling stock, but a station license is required for each such station. A single license application may be submitted covering any designated number of identical mobile transmitter units of the same class of station.

§ 16.42 *Application for authorization for portable or mobile stations not operated exclusively on railroad rolling stock.* (a) A construction permit and station license is required for all transmitter units of portable or mobile stations not located and operated exclusively on railroad rolling stock. A single construction permit application may be submitted covering any designated number of identical portable or mobile transmitter units of the same class of station.

(b) An application for license covering any number of identical portable or mobile transmitter units of the same class of station may be submitted after completion of construction or installation of such transmitter units in accordance with the terms of the construction permit.

§ 16.43 *Application for authorization for stations at fixed locations.* (a) An individual construction permit application shall be submitted for each station to be located and operated exclusively at a fixed point.

(b) An application for a license for each station at a fixed location may be submitted after completion of construction or installation of the station in accordance with the terms of the construction permit.

§ 16.44 *Application for renewal or modification of licenses.* An individual application may be submitted for the renewal or modification of any station license in the railroad radio service; or a blanket application may be submitted for renewal of a group of station licenses of the same class or for modification of a group of station licenses of the same class where the modification requested is the same for all stations covered by the application. The radio stations covered by a blanket application shall be clearly identified therein.

TECHNICAL SPECIFICATIONS

§ 16.61 *Frequencies.* The following frequencies (in megacycles) are allocated to the following classes of stations in the Railroad Radio Service:

(a) To train radio stations primarily for stations on board railroad rolling stock and for land stations primarily for use in communicating with stations on board railroad rolling stock:

158.43	159.33	160.23	161.13
158.49	159.39	160.29	161.19
158.55	159.45	160.35	161.25
158.61	159.51	160.41	161.31
158.67	159.57	160.47	161.37
158.73	159.63	160.53	161.43
158.79	159.69	160.59	161.49
158.85	159.75	160.65	161.55
158.91	159.81	160.71	161.61
158.97	159.87	160.77	161.67
159.03	159.93	160.83	161.73
159.09	159.99	160.89	161.79
159.15	160.05	160.95	161.85
159.21	160.11	161.01	161.91
159.27	160.17	161.07	161.97

These frequencies may also be used on a secondary basis for intercommunication between adjacent land stations provided interference is not caused to the train radio station service for which the frequencies are primarily allocated.

(b) To yard and terminal and railroad utility stations:

(1) All frequencies in paragraph (a) of this section except 158.43, 159.09, 159.57, 159.81, 160.53 and 161.01 Mc, provided interference is not caused to train radio stations. The application requesting assignment of these frequencies for use by yard, terminal or railroad utility stations shall show why interference will not be caused to train radio stations.

(2) Specific frequencies to be designated within the following television channels—44–50, 54–60, 60–66, 66–72, 82–88, 186–192, 192–198, 198–204, 204–210, 210–216 Mc. Frequencies so designated will be assigned on a mutually noninterfering basis subject to such additional limitations and restrictions as may be deemed necessary.

(c) The assignment of any of the frequencies enumerated above in paragraphs (a) and (b) may be restricted in use to one or more specified geographic areas and may be authorized for use by one or more licensees.

(d) The frequency or frequencies immediately available for assignment to any particular area or railroad may be ascertained by communicating with the Secretary of the Federal Communications Commission, Washington 25, D. C.

§ 16.62 *Emissions.* Types A–1, A–2, A–3, A–4 and special emission (a) for frequency modulation for telephony, and (b) for operation of signalling, calling and similar devices, may be authorized for stations in the railroad radio service. Where special emission other than frequency modulation for telephony is requested to be authorized, the application shall describe the type of emission in complete detail.

§ 16.63 *Modulation and band width.* (a) In the case of amplitude modulation the carrier shall be modulated to a sufficiently high degree to provide effective communication, but the modulation shall not exceed 100 percent on peaks.

(b) In the case of frequency modulation the maximum positive or the maximum negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed 30 kcs. In all cases, the emissions shall be confined within the assigned channel to the extent permitted by the development of the art.

§ 16.64 *Frequency stability.* The carrier frequency of stations in the railroad radio service shall be maintained within 0.005 per cent of the assigned frequency.

§ 16.65 *Frequency measurements.* The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each licensed transmitter is within the prescribed tolerance and shall make such determination at least once each six months. The results of these determinations and the signature of the person making the determina-

---

tion Convention for other definitions. These sections are contained in Appendix A of Part 2 of the Commission's rules and regulations.

The Part 2 General Rules and Regulations of the Commission contain those general regulations which are applicable to all types of radio stations, in addition to the specialized regulations prescribed for particular services. The procedural regulations of the Commission governing such matters as the form to be followed in the filing of applications for station authorizations in all services are contained in Part 1 of the Commission's rules of practice and procedure. As soon as practicable, all of the Part 2 General Rules and certain of the Part 1 Procedural Rules, applicable to railroad-radio stations, will be integrated within this Part 16 for convenience of reference.

tion shall be entered in the licensee's records.

§ 16.66 *Power.* The power which may be used by a station in the railroad radio service shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. The normal power shall not exceed 100 watts input to the final radio frequency stage of the transmitter. Power in excess of this amount may be authorized where data in support of such request are submitted clearly showing the need for higher power.

OPERATING SPECIFICATIONS; SCOPE OF SERVICE

§ 16.81 *Permissible transmissions.* Stations in the railroad radio service may be used only for transmissions relating to and essential to operation of railroads.

§ 16.82 *Points of communication.* In accordance with the provisions of § 16.81 stations in railroad radio service may be used to communicate with:

(a) Other stations in the railroad radio service licensed to the same licensee or receiving stations operated by the same licensee.

(b) Stations in the railroad radio service licensed to other licensees or receiving stations operated by other railroads where cooperation or coordination of activities is necessary in connection with railroad operations.

(c) Licensed stations in other radio services and U. S. Government stations or receiving stations in case of an emergency or impending emergency jeopardizing life, public safety, or important property.

§ 16.83 *Coordinated service.* Any applicant for an instrument of authorization, or existing licensee, proposing to furnish a coordinated railroad radiocommunication service to one or more railroads eligible under the Commission's rules for railroad radio station authorizations shall make specific notarized request, in duplicate, for authority to furnish such service. The request or application for such authority shall contain a complete description of the service to be rendered, the terms and conditions upon which such service is to be rendered or exchanged, including the details of any arrangements for the sharing of capital investment or operating expenses and the basis of any charges to be made for the rendition of such service. Copies of all agreements or other arrangements including written statements of any oral agreements or arrangements relating to such services shall be attached to the application.

RECORDS

§ 16.101 *Station record.* All stations in the railroad radio service operated at fixed locations shall maintain records showing:

(a) Names of railroad employees who use the radio transmitters.

(b) Results of maintenance tests made pursuant to § 16.122.

(c) Failure or improper operation of radio transmitting equipment.

(d) Where an antenna or antenna supporting structure(s) is required to be illuminated.

(1) The time the tower lights are turned on and off if manually controlled;

(2) The time the daily visual observation of the tower lights was made;

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure;

(ii) Time the failure was observed;

(iii) Time and nature of the adjustments, repairs or replacements made;

(iv) Time notice was given to the Airway Communication Station (C. A. A.) of the failure of any tower light not corrected within thirty minutes;

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed; and

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the conditions of all tower lights and associated tower lighting control devices; and

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 16.102 *Required retention period.* Records required by the railroad radio service rules shall be retained by the licensee for a period of at least one year.

TESTS

§ 16.121 *Equipment tests.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the station and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed ten days, *Provided, however,* That the inspector in charge of the district in which the station is located is notified 2 days in advance of the beginning of tests and the permittee is not notified by the Commission to cancel, suspend or change the date for the period of such tests.

§ 16.122 *Service tests.* When construction and equipment tests are completed in exact compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the station and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days, *Provided, however,* That the inspector in charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel, suspend or change the date for the period of such tests. Service tests are not authorized after expiration date of the construction permit.

§ 16.123 *Maintenance tests.* All licensed stations in the railroad radio service shall be tested as may be required for proper maintenance of the stations and the railroad radio communication system. All necessary precautions shall be taken, however, to avoid interference with other stations and test time shall be kept to the minimum commensurate with insurance of reliable communication.

MISCELLANEOUS

§ 16.141 *Station identification.* Each station in the railroad radio service shall be identified during each communication or exchange of a series of communications. During an exchange of communications exceeding fifteen minutes in length, each station shall be identified at the end of each fifteen minute period. In lieu of assigned call letters, identification may be made by the name of the railroad and the train number, caboose number, engine number or name of fixed wayside station; or, if that is not practicable, by such other number or name as may be specified by the railroad concerned for the use of employees of the railroad to identify the fixed point or mobile unit where the radio station is located. Where identification is made other than by train number, caboose number or engine number, a list of such identifications shall be maintained by the railroad. An abbreviated name or initial letters of the railroad may be used where such name or initial letters are in general usage. In those cases where it is shown that no difficulty would be encountered in identifying the transmissions of a particular station, as for example where stations of one licensee are located in a yard isolated from other radio installations, approval may be given to a request of the licensee for permission to omit station identification.

§ 16.142 *Who may operate stations.* Stations in the railroad radio service may be operated only by persons holding commercial radio operators licenses issued by the Commission and in accordance with the rules governing commercial radio operators or by employees of the station licensee meeting the qualifications prescribed by the Commission and in accordance with the limitations prescribed by the Commission in its Order No. 126 for operation by such employees.

§ 16.143 *Inspection of stations.* All classes of stations in the railroad radio service shall be made available for inspection upon request of a representative of the Commission except where serious interference with a railroad operation in progress or immediately impending would result, in which event the station shall be made available immediately upon termination of the operation or at such other time as may be satisfactory to the Commission's representative.

[F. R. Doc. 45-22887; Filed, Dec. 26, 1945; 11:02 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 80, Amdt. 39]

PART 95—CAR SERVICE

GRAIN PERMITS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December A. D. 1945.

Upon request of the Office of Defense Transportation and good cause appearing therefor: It is ordered, that:

§ 95.19 *Grain permits.* Service Order No. 80, as amended (codified as § 95.19 of Title 49, CFR), be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 USC 1 (10)–(17))

And it is further ordered, that this order shall become effective 11:59 p. m., December 31, 1945; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22920; Filed, Dec. 26, 1945; 11:50 a. m.]

[S. O. 95, Amdt. 3]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of December, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 95, and good cause appearing therefor:

It is ordered, That Service Order No. 95 (7 F.R. 9257) as amended (8 F.R. 17428, 10 F.R. 15175) be, and it is hereby further amended by adding the following paragraphs (e) and (f) to § 95.302, *Refrigerator car agent:*

(e) *Empty refrigerator cars; agent for Arizona and California*—(1) *Designation.* Charles F. Hoover, Service Agent, Interstate Commerce Commission, 508 Wells Fargo Building, San Francisco, California, is hereby designated agent and vested with authority to control the movement of empty refrigerator cars within or between the States of Arizona and California.

(2) *Outline of duties.* As agent, acting on instructions of the Director of the Bureau of Service, he is hereby authorized and directed to require any common carrier by railroad subject to the Interstate Commerce Act operating in the States of Arizona or California to deliver, accept or transport empty refrigerator cars for the purpose of equalizing the supply of such empty refrigerator cars on railroads serving points where fresh fruits and vegetables are tendered for loading in the States of Arizona or California.

(f) *Empty refrigerator cars; agent for Texas*—(1) *Designation.* Clarence B. Cox, Sr., Service Agent, Interstate Commerce Commission, 504 Federal Office Building, Houston, Texas, is hereby designated agent and vested with authority to control the movement of empty refrigerator cars within the State of Texas.

(2) *Outline of duties.* As agent, acting on instructions of the Director of the Bureau of Service, he is hereby authorized and directed to require any common carrier by railroad subject to the Interstate Commerce Act operating in the State of Texas, to deliver, accept or transport empty refrigerator cars for the purpose of equalizing the supply of such empty refrigerator cars on railroads serving points where fresh fruits and vegetables are tendered for loading in the State of Texas.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 26, 1945; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22921; Filed, Dec. 26, 1945; 11:50 a. m.]

[S. O. 394, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December, A. D. 1945.

Upon further consideration of Service Order No. 394 (10 F. R. 15008), as amended (10 F.R. 15073), and it appearing, that the District Court of the United States for the District of Columbia today entered a temporary restraining order providing in effect that December 23, 24, 25 and 30, 1945, shall not be included in computing free time, and that, the Interstate Commerce Commission consenting, January 1, 1946, shall also be accorded the same treatment: *It is ordered,* That:

Service Order No. 394, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (1) for paragraph (c) (1) thereof:

(c) *Computation of time.* (1) Except as provided in Note 1 below, all Sundays and legal holidays shall be included in computing the time provided in paragraphs (a) and (b) hereof, and shall also be included in computing detention thereafter.

NOTE 1. December 23, 24, 25, 30, 1945 and January 1, 1946, shall not be included when computing the free time periods provided in paragraphs (a) and (b) of this order.

It is further ordered, That this amendment shall become effective at 7:00 a. m., December 22, 1945; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22923; Filed, Dec. 26, 1945; 11:50 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 992]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 5, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 22H Boulder	$21,000
Florida 22E Escambia	67,000
Georgia 88H Telfair	50,000
Indiana 1H Greene	235,000
Indiana 89H Harrison	85,000
Iowa 11D Webster	8,000
Iowa 73G Adair	115,000
Michigan 5L Lenawee	95,000
Nebraska 81L Cornhusker District Public	325,000
New Mexico 9M Curry	137,000
Oregon 24A Tillamook	100,000
Texas 84G Hall	75,000
Texas 93K DeWitt	40,000
Texas 98F Young	144,000
Virginia 34N Lee	270,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 45-22889; Filed, Dec. 26, 1945; 11:06 a. m.]

[Administrative Order 993]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 5, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 70P Mitchell	$320,000
Minnesota 87D Marshall	135,000
Minnesota 95L Lake of the Woods	100,000
Missouri 45E Osage	130,000
Missouri 56F Sullivan	25,000
Texas 30T Upshur	235,000
Texas 75G Wharton	110,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 45-22890; Filed, Dec. 26, 1945; 11:06 a. m.]

[Administrative Order 994]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 6, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 88K Telfair	$30,000
Indiana 104A Orleans	40,000
Louisiana 22C Homer	3,500

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-22891; Filed, Dec. 26, 1945; 11:06 a. m.]

[Administrative order 995]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 6, 1945.

I hereby amend:

(a) Administrative Order No. 992, dated December 5, 1945, by changing the project designation appearing therein as "Oregon 24A Tillamook" to read "Oregon 24A Tillamook District Public.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 45-22892; Filed, Dec. 26, 1945; 11:06 a. m.]

BUREAU OF THE BUDGET.

DISPOSITION OF THE FUNCTIONS OF THE DIVISION OF CENTRAL ADMINISTRATIVE SERVICES OF THE OFFICE FOR EMERGENCY MANAGEMENT

DECEMBER 21, 1945.

Pursuant to the authority conferred upon me as Director of the Bureau of the Budget by the provisions of Executive Order No. 9471 of August 25, 1944, I hereby amend the order of September 26, 1944, making administrative determinations with respect to the disposition of the functions of the Division of Central Administrative Services of the Office for Emergency Management (9 F.R. 11860), as follows: "Effective December 24, 1945, that part of Schedule A (as referred to in paragraph 18), listing transfers of personnel to the Treasury Department—Liquidating Unit, is revised to delete therefrom the names of all persons on inactive military furlough and the names of persons in inactive status but recorded as having reemployment rights in functions of the Division of Central Administrative Services transferred to the Treasury Department—Liquidating Unit."

HAROLD D. SMITH,
Director.

[F. R. Doc. 45-22886; Filed, Dec. 26, 1945; 10:58 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-667, G-668, G-672, G-673]

NORTHERN NATURAL GAS CO.

ORDER PROVIDING FOR ORAL ARGUMENT IN LIEU OF FILING REPLY BRIEFS

DECEMBER 20, 1945.

It appearing to the Commission that:

(a) On November 9, 1945, the Commission set the matters involved and the issues presented by the applications for certificates of public convenience and necessity under section 7 (c) of the Natural Gas Act in the above dockets for consolidated hearing in Washington, D. C., on November 28, 1945.

(b) On November 5, 1945, Northern Natural Gas Company, on the ground that this winter's requirements of firm customers create an emergency situation justifying the issuance of certificate of public convenience and necessity pursuant to the provisions of section 7 (c) of the Natural Gas Act, as amended, requested authorization to construct and operate the following facilities for which, in addition to other construction, an application for certificate of public convenience and necessity was filed on September 27, 1945, in Docket No. G-667:

(1) Construction of approximately 20.1 miles of the 31.56 miles of 20-inch O. D. loop line in Iowa, described on page 6 of the Application, extending northerly from Applicant's Ogden compressor station.

(2) Construction of approximately 9.8 miles of the 37.85 miles of 24-inch O. D. loop line in Kansas, described on page 5 of the Application, extending northeasterly from a point 23.7 miles northeast of Applicant's Mullinville compressor station in continuation of existing loop.

(3) Construction of approximately 7.0 miles of the 30.0 miles of 24-inch loop line described on page 5 of the Application, extending northeasterly from a point approximately 42.5 miles northeast of Applicant's Bushton compressor station in continuation of existing loop line.

(4) Construction of approximately 13.5 miles of 24-inch O. D. pipeline as described on pages 5 and 6 of the Application, extending southwesterly from Applicant's Beatrice compressor station.

(c) Pursuant to the Commission's order of November 23, 1945, fixing date of hearing, and after appropriate notice thereof, including publication of such order in the FEDERAL REGISTER on November 28, 1945, a public hearing was held in Chicago, Illinois, commencing on December 3, 1945, and concluding on December 5, 1945.

(d) By direction of the trial examiner, main briefs were ordered filed not later than January 4, 1946, and reply briefs to be filed by January 24, 1946.

The Commission finds that:

(1) Oral argument in lieu of filing of reply briefs would enable the Commission earlier to dispose of this matter with respect to the facilities described in paragraph (b) above.

(2) Good cause exists for substituting oral argument in lieu of filing of reply briefs, and in the circumstances is appropriate and in the public interest.

The Commission orders that:

Oral argument on the issues be had before the Commission on January 5, 1946, commencing at 10:00 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-22884; Filed, Dec. 26, 1945; 10:02 a. m.]

[Docket Nos. G-661, G-688]

PANHANDLE EASTERN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER TO SHOW CAUSE AND INSTITUTING INVESTIGATION, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

DECEMBER 18, 1945.

City of Detroit, a municipal corporation, and County of Wayne, a municipal corporation, both of the State of Michigan, petitioners, vs. Panhandle Eastern Pipe Line Company, a corporation of the State of Delaware, and Michigan Consolidated Gas Company, a corporation of the State of Michigan, defendants, Docket No. G-661; in the matter of Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-688.

It appears to the Commission that:

(a) On September 7, 1945, the City of Detroit, Michigan, and the County of Wayne, Michigan, both municipal corporations of the State of Michigan, filed a joint complaint against Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company alleging that existing contracts and arrangements between Panhandle Eastern Pipe Line Company (Panhandle) and Michigan Consolidated Gas Company (Michigan Consolidated) unlawfully limit the quantity of natural gas which Panhandle is obliged to supply to Michigan Consolidated to 125 million cubic feet in any one day; that Panhandle unlawfully refuses to supply natural gas to Michigan Consolidated during off-peak periods of time for underground storage; that Panhandle has otherwise unlawfully restricted the supply of natural gas to Michigan Consolidated in violation of the rights of public consumers in the City of Detroit and the County of Wayne, both in the State of Michigan.

(b) Although the joint complaint was served upon Panhandle on September 10, 1945, and upon Michigan Consolidated on September 13, 1945, with the request that answer to the complaint be filed within 30 days as required by § 50.23 of the Commission's provisional rules of practice and regulations under the Natural Gas Act, no answer has been re-

ceived from either Panhandle or Michigan Consolidated.

(c) This Commission having been informed that Panhandle Eastern Pipe Line Company was considering a contract with Ford Motor Company for the supply of natural gas for industrial use at its Dearborn plant, addressed a letter to Panhandle Eastern Pipe Line Company under date of December 6, 1945, requesting full information with respect to such proposed sale. On December 14, 1945, the Commission received Panhandle's reply enclosing a copy of its contract with the Ford Motor Company.

(d) The contract between Panhandle Eastern Pipe Line Company and the Ford Motor Company, as submitted by Panhandle Eastern Pipe Line Company, shows that it was executed on October 20, 1945, by Panhandle Eastern Pipe Line Company, and under its terms Panhandle is to supply natural gas to Ford Motor Company for use as industrial fuel substantially as follows:

(1) Monday through Friday, both inclusive, expecting Holidays—25,000 MCF (plus or minus 10%) per day.

(2) Saturday, Sunday, and Holidays—Not more than 15,000 MCF per day.

(3) Upon six months' prior written notice to Seller, Buyer shall have the right at any time during the terms hereof to purchase an additional volume of gas up to but not exceeding 25,000 MCF per day.

The agreement provides that deliveries of gas shall commence on or before May 1, 1946, and shall continue to and including November 30, 1948, and from year to year thereafter unless terminated by either party on 90 days prior written notice to the other.

(e) On December 12, 1945, a telegram was received from Michigan Consolidated Gas Company directing the Commission's attention to the undertaking of Panhandle to sell natural gas to the Ford Motor Company, which is presently served by Michigan Consolidated Gas Company, and requesting the Commission to institute an immediate investigation concerning such proposed service. On December 13, 1945, a telegram was received from Michigan Public Service Commission joining in the complaint of the Michigan Consolidated Gas Company and requestng also that this Commission take appropriate action in the premises.

The Commission finds that:

(1) The matters involved and the issues presented in these proceedings may involve substantially the same facts and issues, and good cause, therefore, exists for consolidating the above-docketed matters for the purposes of hearing.

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act (1) that an investigation be instituted by the Commission, upon its own motion, into and concerning the lawfulness of all contracts, practices, rules and regulations restricting or limiting the supply of natural gas, subject to the jurisdiction of the Commission, by Panhandle to Michigan Consolidated for resale or underground storage in the State of Michigan, and the reasonableness of rates and charges therefor, and (2) that Panhandle Eastern Pipe Line Company show cause in the manner and form hereinafter ordered in paragraph (A).

Therefore, the Commission orders that:

(A) Panhandle Eastern Pipe Line Company show cause at the public hearing hereinafter ordered:

(i) Why the supply of natural gas to Ford Motor Company, as provided in its contract of October 20, 1945, (1) will not impair its ability to provide adequate and reasonable natural gas service to consumers entitled to such service under the Natural Gas Act and orders of this Commission, and (2) will not violate orders of this Commission authorizing the construction and limiting the operatiton of facilities under section 7 of the Natural Gas Act as provided in such orders; and

(ii) Why appropriate and timely application should not be made under section 7 of the Natural Gas Act for the construction and operation of all necessary pipe line facilities required for the interstate transportation of natural gas to the Ford Motor Company including all measuring and regulating equipment which may be required.

(B) An investigation be and it is hereby instituted for the purpose of enabling the Commission:

(i) To determine with respect to the sale of natural gas by Panhandle Eastern Pipe Line Company to Michigan Consolidated Gas Company whether in connection with such transportation or sale, subject to the jurisdiction of the Commission, any contract or arrangement relating to such supply, for resale or underground storage in the State of Michigan, or the rates, charges, or classifications demanded, observed, charged or collected for such gas, or any rules, regulations, practices or contracts relating to such supply or affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful and in violation of the provisions of the Natural Gas Act.

(ii) To determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force, if the Commission, after hearing has been had, shall find, with respect to the transportation and sale of natural gas by Panhandle Eastern Pipe Line Company to Michigan Consolidated Gas Company, that any rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory or preferential.

(C) The above-entitled proceedings be and they are hereby consolidated for the purposes of hearing.

(D) A public hearing be held with respect to the matters involved and the issues presented, as referred to in paragraph (A), above, commencing on January 7, 1946, at 10:00 a. m. (E. S. T.) in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(E) A public hearing with respect to the matters involved and the issues presented, as referred to in paragraph (B), above, be held on a date to be hereafter fixed by order of the Commission.

(F) Interested State commissions may participate in the said hearing, as provided for in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 45-22885; Filed, Dec. 26, 1945; 10:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 410, Amdt. 1]

EMBARGO OF LESS CARLOAD FREIGHT AT TWIN CITIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of December, A. D. 1945.

Upon further consideration of Service Order No. 410, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 410, be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

Embargo of less carload freight at Twin Cities. (a) The Chicago, Burlington & Quincy Railroad Company, the Northern Pacific Railway Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), the Chicago, St. Paul, Minneapolis and Omaha Railway Company, the Great Northern Railway Company and the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company shall not accept any outbound less-than-carload shipment of freight at any point within the switching limits of Minneapolis, St. Paul or Minnesota Transfer, Minnesota, except such freight loaded by shippers which does not require handling through railroad freight houses.

It is further ordered, That this amendment shall become effective at 12:01 p. m., December 20, 1945, and that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22833; Filed, Dec. 21, 1945; 11:38 a. m.]

[3d Rev. S.O. 392]

EMBARGO OF LESS CARLOAD FREIGHT AT KANSAS CITY, MO.-KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 21st day of December, A. D. 1945.

It appearing, that a strike of truck lines is causing congestion of freight houses of certain rail carriers serving Kansas City, Mo.-Kansas, and that the said rail carriers are unable to accept certain less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people. It is ordered, that:

Embargo of less carload freight at Kansas City. (a) Except as shown in the following note, no common carrier by railroad subject to the Interstate Commerce Act serving Kansas City, Missouri-Kansas, shall accept any outbound less-than-carload shipment of freight at those points, except perishables.

NOTE: The provisions of this order shall not apply to the Alton Railroad Company (Henry A. Gardner, Trustee), the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), the Kansas City Southern Railway Company, the Missouri-Kansas-Texas Railroad Company, the St. Louis-San Francisco Railway Company (Frank A. Thompson, Trustee), or the Union Pacific Railroad Company.

(b) *Effective date.* This order shall become effective at 12:01 a. m., December 22, 1945.

(c) *Expiration date.* This order shall expire at 11:59 p. m., December 25, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4))

It is further ordered, that this order shall vacate and supersede Second Revised Service Order No. 392 on the effective date hereof; that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22922; Filed, Dec. 26, 1945; 11:50 a. m.]

[S. O. 410, Amdt. 2]

EMBARGO OF LESS CARLOAD FREIGHT AT TWIN CITIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December, A. D. 1945.

Upon further consideration of Service Order No. 410, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 410, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

Embargo of less carload freight at Twin Cities. (a) The Chicago, Burlington & Quincy Railroad Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees), the Chicago, St. Paul, Minneapolis and Omaha Railway Company; the Great Northern Railway Company and the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company shall not accept any outbound less-than-carload shipment of freight at any point within the switching limits of Minneapolis, St. Paul, or Minnesota Transfer, Minnesota, except such freight loaded by shippers which does not require handling through railroad freight houses.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 22, 1945, and that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-22924; Filed, Dec. 26, 1945; 11:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 499, Amdt. 1 to Rev. Order 7]

HOROWITZ & SON, INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation No. 499, *It is ordered:* That Revised Order No. 7 under Revised Maximum Price Regulation No. 499 be amended in the following respects:

1. The maximum retail price of the watch with style name "Glenn" is corrected to read $90.00 instead of $80.00.

2. The description of the watch with the style name "Marge" is corrected to read "8¾L 17J 10K. GF yellow nurse's WA strap" instead of "8¾L 9J 10K GF yellow nurse's WA strap."

This amendment shall become effective December 22, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES, *Administrator.*

[F. R. Doc. 45-22850; Filed, Dec. 21, 1945; 1:25 p. m.]

[SO 119, Order 35]

WALD MANUFACTURING CO., INC.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* The Wald Manufacturing Company, Inc., Maysville, Kentucky, may increase its current ceiling prices for sales to jobbers and dealers of the bicycle accessories and wire products of its manufacture that are listed below by the percent of increase set forth after each article:

Article:	*Percent of increase*
Bicycle pedals	3.7
Handle bar stems	18.7
Handle bars	0.2
Chain guards	35.4
Bicycle forks	11.6
Sprockets	21.0
Bacon hangers	12.0

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles in substantially the same form which the manufacturer has sold at adjusted maximum prices shall determine their ceiling prices as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale shall calculate his ceiling price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his ceiling price under the above method, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser in effect during March 1942, or established under any applicable OPA regulation.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a ceiling price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the adjusted ceiling prices for resales of the articles cov-

ered by this order. This notice may be given in any convenient form.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on December 22, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22863; Filed, Dec. 21, 1945; 1:31 p. m.]

[SO 119, Order 36]

SUN RUBBER CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* The Sun Rubber Company, of Barberton, Ohio, may increase, by 4.9 percent, its maximum prices in effect immediately prior to the issuance of this order for sales of the rubber toys, rubber housewares, and rubber stationers' goods which it manufactures from natural rubber, and which are covered by Maximum Price Regulation No. 188.

(b) *Maximum prices of purchasers for resale.* (1) If the purchaser for resale must determine his maximum resale prices under Maximum Price Regulation No. 210, he shall add his "initial percentage markup" to the actual invoice price (not to exceed his supplier's maximum price) to him.

(2) In all other cases, the purchaser for resale shall determine his maximum resale prices, as follows:

(i) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall calculate his maximum resale price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a maximum resale price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his maximum resale price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(ii) If a purchaser for resale cannot determine his maximum resale price under the method specified in (1), he shall apply to the Office of Price Administration for the establishment of his maximum resale price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum resale prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, discounts, allowances, and other price differentials, in effect during March, 1942, or which have been approved by order of the Office of Price Administration.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the methods established in paragraph (b) of this order for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on the 22d day of December 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22864; Filed, Dec. 21, 1945; 1:31 p. m.]

[RPS 45, Order 1]

PACIFIC ROOFING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1346.59 (b) of Revised Price Schedule No. 45, it is ordered:

(a) *Adjustment of maximum prices for the Pacific Roofing Company of Portland, Oregon.* This order permits the Pacific Roofing Company to increase its maximum net price to each class of purchaser for each type of asphalt and tarred roofing product as established under Revised Price Schedule No. 45 by 5.5 per cent.

(b) *Maximum price for resellers.* (1) All jobbers defined immediately below of the types of asphalt and tarred roofing products, the maximum price of which has been increased by the Pacific Roofing Products Company under the authority of this order, may increase their maximum prices for such products to each such class of purchaser as established under the provisions of the General Maximum Price Regulation by an amount not in excess of the jobber's dollar-and-cents increase in cost resulting from the increase granted to the Pacific Roofing Company under paragraph (a) above.

For purposes of this subparagraph, a jobber is defined as any person purchasing asphalt and tarred roofing products directly from the manufacturer and selling in the same form to other resellers or to installers.

(2) All resellers other than jobbers must maintain their present maximum prices for the commodities covered by this order as established under the General Maximum Price Regulation. All persons purchasing for resale on an installed basis shall be governed by the appropriate provision of Revised Maximum Price Regulation 251 and area orders issued under section 9 of Revised Maximum Price Regulation 251.

(c) *Notification by the Pacific Roofing Company to all purchasers.* The Pacific Roofing Company shall send the following notice to every purchaser of the products the maximum prices of which are adjusted by this order at or before the time of the first billing after the effective date of this order:

Order No. 1 under § 1346.59 (b) of Revised Price Schedule No. 45 provides for a 5.5 per cent increase in the net maximum prices for sales of all asphalt and tarred roofing products covered by that schedule manufactured by the Pacific Roofing Company. Jobbers may add to their maximum prices as established under the General Maximum Price Regulation their actual dollar-and-cents increase in cost resulting from the increase granted the Pacific Roofing Company. All other resellers must maintain their present maximum prices as established under the General Maximum Price Regulation.

(d) All prayers of the application of the Pacific Roofing Company not granted in this order are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective December 22, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22842; Filed, Dec. 21, 1945; 1:32 p. m.]

[MPR 136, Order 566]

GEMCO ENGINEERING AND MANUFACTURING CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion and issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 9, 10 and 11 (c) of Revised Maximum Price Regulation No. 136; *It is ordered:*

(a) The Gemco Engineering and Manufacturing Company, Inc., Murray Road and Big 4 R. R., St. Bernard, Cincinnati 17, Ohio, may sell, f. o. b. plant, each Gemco trailer described in subparagraph (2) below, at a price not to exceed the price contained in subparagraph (1) below on its sale or delivery of the trailer, and the cost of transporting the trailer to the purchaser, if any.

(1) Prices.

With 6.00 x 16 4-ply tires:	
Model No. 101	$180.00 less 33.3%
Model No. 102	200.00 less 33.3%
Model No. 103	225.00 less 33.3%
Model No. 104	225.00 less 33.3%
With 6.00 x 16 6-ply tires:	
Model No. 101	$195.00 less 33.3%
Model No. 102	214.00 less 33.3%
Model No. 103	240.00 less 33.3%
Model No. 104	240.00 less 33.3%

The prices listed above include Federal excise taxes.

(2) *Descriptions.*

Model No. 101; two-wheel cargo trailer; 6' long x 4' wide x 17½" high; pressed high tensile steel frame; welded steel body, integral with frame, 10 gauge floor, 14 gauge

sides and front, end panel; double-acting, removable tailgate; leaf spring construction; 1 ton capacity; equipped with either 6.00 x 16 4-ply or 6.00 x 16 6-ply synthetic tires, standard hitch, tail light, single draw bar, regular automobile finish paint job in three tones. Model No. 102; same as Model No. 101 with the following additional features: double draw bars, stake pockets, safety chains, support leg, fenders, reflector.

Model No. 103; two-wheel cargo dump trailer; other specifications same as Model No. 102 with the following exception: Atwood hitch in lieu of standard hitch.

Model No. 104; same as Model No. 103 with the following additional feature: equipped with brakes.

(b) The Gemco Engineering and Manufacturing Company, Inc., is authorized to suggest to resellers resale prices for the trailers described in paragraph (a) (2) consisting of the following:

(1) Prices.

Distributors with 6.00 x 16 4-ply tires:	
Model No. 101	$180.00 less 25%
Model No. 102	200.00 less 25%
Model No. 103	225.00 less 25%
Model No. 104	225.00 less 25%
With 6.00 x 16 6-ply tires:	
Model No. 101	$195.00 less 25%
Model No. 102	214.00 less 25%
Model No. 103	240.00 less 25%
Model No. 104	240.00 less 25%
Dealers, with 6.00 x 16 4-ply tires:	
Model No. 101	$180.00
Model No. 102	200.00
Model No. 103	225.00
Model No. 104	225.00
With 6.00 x 16 6-ply tires:	
Model No. 101	$195.00
Model No. 102	214.00
Model No. 103	240.00
Model No. 104	240.00

The prices listed above include Federal excise taxes.

(2) *Charges.* (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Cincinnati, Ohio, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailers.

(c) A reseller of Gemco trailers in any of the territories or possessions of the United States is authorized to sell each of the trailers described in paragraph (a) at a price not to exceed the applicable price established in paragraph (b), to which it may add a sum equal to the expense incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale or introduction of the trailers; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

(e) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation No. 136, due to substantial changes in design, specifications or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase, but in the case of a decrease in price the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective December 21, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22845; Filed, Dec. 21, 1945; 1:17 p. m.]

[MPR 591, Amdt. 1 to Order 54]

SUPERIOR DOOR CATCH CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, Order No. 54 under section 16 (b) (1) of Maximum Price Regulation No. 591, is amended in the following respect:

1. Subparagraph (a) (1) is amended to read as follows:

(1) This order permits the Superior Door Catch Company of Superior, Wisconsin to increase its maximum net prices as of July 7, 1945 to each class of customer for door catches and sash holders by 10 percent.

2. Paragraph (d) is amended to read as follows:

(d) *Notification to all purchasers.* The Superior Door Catch Company shall send the following notice to each purchaser at or before the first billing after the effective date of this order:

Order No. 54 under section 16 (b) (1) of Maximum Price Regulation No. 591 permits the Superior Door Catch Company to increase its maximum prices for door catches and sash holders as of July 7, 1945, by 10 percent. Resellers may add the same percentage markup to their new cost resulting from this adjustment as was in effect on these items during March 1942.

This amendment shall become effective December 22, 1945.

Issued this 21st day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22852; Filed, Dec. 21, 1945; 1:38 p. m.]

[MPR 188, Order 6]

SMALL ELECTRICAL APPLIANCES

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

SECTION 1. *Purpose of this order.* Small electrical appliances have been found to be a reconversion product in accordance with the standards set forth in § 1499.159e of Maximum Price Regulation No. 188. This order is issued under that section and fixes new ceiling prices for sales by manufacturers (other than to ultimate consumers) by permitting them to increase their prices in effect between October 1 and October 15, 1945, or established under certain provisions of Maximum Price Regulation No. 188, by a specified price increase factor.

This order also contains provisions establishing new ceiling prices for distributors' and dealers' sales of articles for which manufacturers' ceiling prices are fixed by this order.

SEC. 2. *Articles and persons covered.* (a) This order applies to sales by manufacturers, distributors, and dealers of new "small electrical appliances." For the purpose of this order, small electrical appliances means all small electric heating or powered appliances for household and personal use, including but not limited to, table broilers, vibrators, hairdriers, vaporizors, toasters, space heaters, coffee makers, irons (curling and flat), hot plates, waffle irons, mixers, heating pads, blankets, fans, shavers, etc. It does not include such articles as clothesdriers, washing machines, ironers, dish washers, refrigerators, vacuum cleaners and electric clocks, or any appliance primarily designed for commercial, industrial or institutional use.

(b) As used in this order:

(1) The terms "distributors" and "dealers" respectively refer to persons making sales at wholesale and retail as defined in the General Maximum Price Regulation.

(2) "Manufacturer's ceiling price," for the purpose of calculating resellers' ceiling prices means his ceiling price subject to his customary transportation terms, (exclusive of Federal excise tax) as provided by section 3 of this order, or his adjusted ceiling price subject to his customary transportation terms, authorized under the provisions of Supplementary Orders Nos. 118 or 119, unless the Office of Price Administration specifically prohibits the use of such an adjusted price as a basis for determining retail ceiling prices in accordance with the provisions of this order.

(3) "Chain store," means a retail store which is one of a group of ten or more retail stores under common ownership or control which, as a group had combined sales of over $1,000,000 for the year 1944.

(4) "Mail order house" means an establishment selling at retail which, as a separate operating unit, makes offerings through catalogs or printed price lists, receives orders by mail, and makes deliveries by mail, railway, express, or other common carrier.

(5) "Zone I" means that area of the following two in which a small electrical appliance is manufactured. The other area is "Zone II".

One area consists of the states of Arizona, New Mexico, California, Washington, Oregon, Idaho, Nevada, Utah, Colorado, Wyoming, Montana, and the following counties of Texas: El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos, and Reeves.

The other area consists of the remaining counties of Texas, all the other states of the United States and the District of Columbia.

SEC. 3. *Manufacturers' ceiling prices.* (a) A manufacturer's ceiling price (exclusive of Federal excise tax) for a sale of a small electrical appliance to each class of purchaser is the highest of the following:

(1) 108% of his highest price (exclusive of Federal excise tax) to each class of purchaser, other than ultimate consumers, in effect between October 1 and October 15, 1941, or:

(2) His highest price (exclusive of Federal excise tax) at which he delivered or offered the article for delivery during March 1942, to each class of purchaser, or:

(3) 108% of his ceiling price (exclusive of Federal excise tax) to each class of purchaser, other than ultimate consumers, established under the provisions of the first, second, third or fourth pricing methods of Maximum Price Regulation No. 188. In the case of articles priced under the first, second or third methods, the ceiling price may be calculated in this way only if the ceiling prices of the comparable articles were no higher than the prices in effect between October 1 and October 15, 1941, for sales to the same classes of purchasers.

(4) His ceiling price (exclusive of Federal excise tax) to each class of purchaser established under the provisions of the first, second, third or fourth pricing methods of Maximum Price Regulation No. 188.

Manufacturers may also collect, in addition to the ceiling price authorized by the preceding provisions, the amount of Federal excise tax (if any) payable on each sale.

(b) Regardless of any higher price computed in accordance with paragraph (a) above, the manufacturer's ceiling price to a dealer may not exceed a distributor's ceiling price for a sale of the same electrical appliance, in the same quantities, to a dealer.

(c) Orders may be issued under this section denying a manufacturer permission to sell at prices adjusted by all or part of the increases authorized by this section when it appears that the manufacturer has discontinued or will discontinue production of his low-priced models of any type of small electrical appliance or will decrease the proportions of low-priced to high-priced models which he manufactures, so that his present or prospective production is not representative of his sales between October 1 and October 15, 1941. The average price at which the manufacturer's products will be sold will be considered in determining how much, if any, of the increases will be granted to such a manufacturer.

SEC. 4. *Dealers' ceiling prices.* This section provides for the establishment of retail ceiling prices for sales of small electrical appliances. Manufacturers are required to determine those prices and to tag their products with retail ceiling price tags in accordance with section 6 of this order. If, between October 1 and October 15, 1941, a manufacturer published a suggested retail price list and took measures to ensure that his products were sold at retail at his suggested prices, he should apply under paragraph (a) of this section for an Office of Price Administration order establishing the retail ceiling prices for his products which he suggested prior to April 1, 1942.

If the retail ceiling prices for a manufacturer's products are not established by an order under paragraph (a) of this section, then the manufacturer is required to calculate the retail ceiling prices in accordance with paragraphs (b) or (c) of this section, whichever is applicable.

If a manufacturer's ceiling price to the class of distributor to which he sells in the largest dollar volume is an f. o. b. factory price, he calculates the retail ceiling prices of his products in accordance with paragraph (b) of this section. Manufacturers whose freight terms are other than f. o. b. factory (freight allowed or equalized, etc.) are required to calculate the retail ceiling prices of their products in accordance with paragraph (c).

When a manufacturer qualifies for an order under paragraph (a) uniform retail ceiling prices for his products will be established for sales by all dealers. On the other hand, manufacturers who are required to calculate retail ceiling prices under paragraphs (b) or (c) will determine different ceiling prices for sales by chain stores and mail order houses than the ceiling prices which are calculated for sales by other dealers. In addition, manufacturers calculating retail ceiling prices under paragraph (b) will determine separate ceiling prices for sales by dealers in Zone II in order to make an allowance for the higher freight costs of resellers on shipments into that area. Retail ceiling prices calculated under paragraph (c) apply over the entire country since prepayment or other forms of freight equalization by the manufacturer result in more uniform resellers' costs.

(a) *Retail ceiling prices fixed by order.* (1) The Office of Price Administration will, upon application by a manufacturer, establish ceiling prices for retail sales of small electrical appliances covered by this order whenever it appears that:

(i) The small electrical appliances sold by the manufacturer are identified by a brand or company name.

(ii) The manufacturer's products were sold at retail at substantially uniform prices prior to April 1, 1942.

(iii) The proposed retail ceiling prices for the manufacturer's small electrical appliances are in line with the prices which would be otherwise determined in accordance with the provisions of this order.

An order issued under this section will establish uniform retail ceiling prices for all retail sales of the small electrical appliances of a manufacturer, which shall apply in place of the retail ceiling prices which otherwise would be determined under this section. Ceiling prices may also be established by such an order for sales by distributors when manufacturers sell at less than their ceiling prices.

(2) A manufacturer requesting establishment of uniform ceiling prices under this paragraph (a) must file an application with the Office of Price Administration, Consumer Goods Price Division, Washington 25, D. C. In the application the manufacturer shall state the following:

(i) His business name and address.

(ii) An identification of each article for which a retail ceiling price is sought including:

(*a*) Description of the article including its style, model or lot number.

(*b*) His own ceiling prices to all classes of purchasers.

(*c*) His selling prices and terms to distributors and dealers.

(*d*) His suggested retail price prior to April 1, 1942.

(*e*) A list of the names and addresses of his retail and wholesale customers to whom he delivered the articles prior to April 1, 1942 in substantial quantities.

(iii) The uniform retail ceiling price which he requests for each article. Different prices may be proposed for sales in each zone if the manufacturer's ceiling prices are f. o. b. factory.

(b) *Retail ceiling prices calculated by manufacturers who sell on a f. o. b. factory basis.* A manufacturer, whose ceiling prices to the class of distributor to which he sells small electrical appliances in the largest dollar volume are f. o. b. factory prices, and for whose products the Office of Price Administration has not established retail ceiling prices by an order under paragraph (a) of this section, shall calculate the retail ceiling prices of his products in accordance with the following provisions of this paragraph (b).

(1) *Small electrical appliances sold by manufacturers to purchasers for resale other than chain stores or mail order houses.* The retail ceiling price for a small electrical appliance sold by the manufacturer to a purchaser for resale other than a chain store or mail order house is the total of the following adjusted to the nearest five cents.

(i) The manufacturer's ceiling price to the class of distributor to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(ii) 92% of that ceiling price.

(iii) The amount of Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(2) *Small electrical appliances sold by manufacturers to chain stores and mail order houses.* (i) The retail ceiling price for a small electrical appliance sold by a manufacturer to a chain store is the total of the following adjusted to the nearest five cents.

(*a*) The manufacturer's ceiling price to the class of distributor to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(*b*) 73% of that ceiling price.

(*c*) The amount of the Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(ii) The retail ceiling price for a sale by a mail order house of a small electrical appliance which it purchases from a manufacturer and which it sold during 1941 shall be no greater than the last price listed in a catalog or price list in effect prior to April 1, 1942.

(iii) The retail ceiling price for a sale by a mail order house of a small electri-

cal apliance which it purchases from a manufacturer and which it did not sell during 1941, is the total of the following adjusted to the nearest five cents.

(*a*) The manufacturer's ceiling price to the class of distributor to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(*b*) 64% of that ceiling price.

(*c*) The amount of the Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(3) *Zone differentials.* The retail ceiling prices calculated in accordance with paragraphs (b) (1), (b) (2) (i) and (b) (2) (iii) of this section are for retail sales in Zone I. The retail ceiling price for sales of such a small electrical appliance in Zone II is the retail ceiling price in Zone I for a sale by the same type of retail seller increased by 5% and adjusted to the nearest five cents.

(c) *Retail ceiling prices calculated by manufacturers who prepay or equalize freight.* A manufacturer whose ceiling prices to the class of distributor to which he sells small electrical appliances in the largest dollar volume are freight prepaid or otherwise equalized for freight, and for whose products the Office of Price Administration has not established retail ceiling prices by an order under paragraph (a) of this section shall calculate the retail ceiling prices of his products in accordance with the following provisions of this paragraph (c).

(1) *Small electrical appliances sold by manufacturers to purchasers for resale other than chain stores or mail order houses.* The retail ceiling price for a small electrical appliance sold by the manufacturer to a purchaser for resale other than a chain store or mail order house is the total of the following adjusted to the nearest five cents.

(i) The manufacturer's ceiling price to the class of distributor to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(ii) 87% of that ceiling price.

(iii) The amount of Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(2) *Small electrical appliances sold by manufacturers to chain stores and mail order houses.* (i) The retail ceiling price for a small electrical appliance sold by a manufacturer to a chain store is the total of the following adjusted to the nearest five cents.

(*a*) The manufacturer's ceiling price to the class of distributor to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(*b*) 69% of that ceiling price.

(*c*) The amount of the Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(ii) The retail ceiling price for a sale by a mail order house of a small electrical appliance which it purchases from a manufacturer and which it sold during 1941 shall be no greater than the last price listed in a catalog or price list in effect prior to April 1, 1942.

(iii) The retail ceiling price for a sale by a mail order house of a small electrical appliance which it purchases from a manufacturer and which it did not sell during 1941, is the total of the following adjusted to the nearest five cents.

(*a*) The manufacturer's ceiling price to the class of distributor or chain store to which he sells small electrical appliances in the largest dollar volume and which resells from its own stocks.

(*b*) 60% of that ceiling price.

(c) The amount of the Federal excise tax (if any) payable by the manufacturer on a sale at that ceiling price.

(d) *Other retail ceiling prices.* Manufacturers of small electrical appliances for which retail ceiling prices have not been established by order of OPA under paragraph (a) of this section and whose ceiling prices fixed by section 3 of this order are for sales to classes of purchasers other than distributors shall apply to the Office of Price Administration, Washington 25, D. C., for the establishment of retail ceiling prices. Such an application shall state the manufacturer's ceiling prices to each class of purchaser and his proposed retail ceiling prices and a description of the article.

SEC. 5. *Distributors' ceiling prices.* Manufacturers are required to calculate in accordance with the following provisions of this section, distributors' ceiling prices to dealers for all small electrical appliances which they sell to distributors and for which distributors' ceiling prices have not been fixed by OPA order under paragraph (a) of section 4 of this order. Manufacturers are also required to notify distributors of their ceiling prices and conditions of sale fixed by this order.

(a) A distributor's ceiling price, for a sale of a small electrical appliance to a dealer, is the retail ceiling price (exclusive of any Federal excise tax included in the price) for a sale by a dealer, other than a chain store or mail order house which purchases directly from the manufacturer, less 33% in the case of sales in the smallest quantities and less 36% in the case of sales in the largest quantities for which the distributor had a price in effect during March 1942 or for which prices have been established under applicable OPA regulations.

(b) In addition to his ceiling price, a distributor may collect the amount of the Federal excise tax (if any) payable by the manufacturer on a sale to him.

(c) Distributors' ceiling prices fixed by this section are subject to his cash discounts, delivery terms, and allowances in effect during March 1942 or established under applicable OPA regulation.

SEC. 6. *Retail price tags.* (a) Unless otherwise authorized by the Office of Price Administration, no manufacturer may, on and after February 1, 1946, ship to any purchaser a small electrical appliance for which the retail ceiling price is fixed by this order unless there is attached to it a retail ceiling price tag or label. That tag or label shall state: the manufacturer's name or the brand name; the model designation of the article; the retail ceiling price (inclusive of Federal excise tax) for sales in each zone; and that the tag or label may not be removed before the article is delivered to the consumer.

When different retail ceiling prices have been fixed for sales in each zone in accordance with section 4 (b), a tag or label in the following form with the blanks properly filled in shall be used to indicate those different prices:

Manufacturer's name, or brand name_____
Model No_____
OPA Retail Ceiling Price (including Federal excise tax) $_____
Plus 5% in Zone II

Do Not Detach

When a brand name is stated on the retail ceiling price tag without a statement of the manufacturer's name, the manufacturer is required to report to the Office of Price Administration, Washington, D. C., before shipping any articles so tagged, his name and address; his ceiling prices for each article to distributors and chain stores and the method by which it was determined; the brand name that will be used; and the retail ceiling price.

However, a manufacturer is not required to comply with the foregoing tagging provision with respect to articles which are shipped to mail order houses or to persons who operate both as chain stores and as mail order houses; or articles which are shipped for export.

(b) On and after February 1, 1946, no dealer may display, offer for sale, sell or deliver at retail a small electrical appliance for which the retail ceiling price is fixed by this order unless there is attached to it a tag or label containing all the information required by paragraph (a) of this section, except that mail order houses are not required to comply with this provision with respect to those articles for which a price no higher than their retail ceiling price is published in their current catalog or price list.

All dealers who receive "untagged" an article which is required by the foregoing provisions to be tagged with the retail ceiling price must tag it with the proper retail ceiling price before it is displayed, offered for sale, sold or delivered at retail.

SEC. 7. *Credit charges on dealers' sales.* Charges for the extension of credit may be added to the retail ceiling prices established by this order or by any order issued under this order unless such order provides otherwise. No such credit charge may exceed that permitted by this section.

(a) Dealers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of small electrical appliances, may collect a charge for the extension of credit on sales under this order, not exceeding such charge in March 1942 on a similar sale on similar terms to the same class of purchaser. Dealers who did not then so state and collect an additional charge, may collect a charge for the extension of credit only on installment plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the dealer's closest competitor who made such a separately stated charge.

An installment plan sale as used in the above paragraph means a sale where the unpaid balance is to be paid in installments over a period of either (1) six weeks or more from the date of sale in the case of weekly installments, or (2) eight weeks or more in the case of other than weekly installments.

(b) All charges for the extension of credit shall be quoted and stated separately. Any change which is not quoted and stated separately or which otherwise does not conform to this section, shall for the purpose of this order, be considered to be part of the price charged for the article sold.

(c) No dealer may require as a condition of sale that the purchaser must buy on credit.

SEC. 8. *Relationship between this order and other regulations.* The provisions of this order supersede the provisions of the General Maximum Price Regulation, of Maximum Price Regulation No. 188, of Order 4332 under Maximum Price Regulation No. 188, of Maximum Price Regulation No. 210 and any other orders previously issued under those regulations and orders, with respect to sales and deliveries for which ceiling prices are established by this order, to the extent that they are inconsistent with the provisions of those regulations and orders.

SEC. 9. *Revocation of certain ceiling prices.* Regardless of any provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 210, Maximum Price Regulation No. 188, or any approval or order obtained or issued thereunder by the Office of Price Administration, including Order No. 4332 under Maximum Price Regulation No. 188, but excepting Regional Administrators' orders of general applicability under the General Maximum Price Regulation, fixing resellers' ceiling prices for unbranded small electrical appliances, all ceiling prices heretofore or hereafter established by any seller under those regulations or orders do not apply to any sales or deliveries made after February 1, 1946, except those manufacturers' ceiling prices continued in effect by section 3 of this order.

Provided, however, That ceiling prices established for sales of electric irons by sections 2.2 and 2.3 of Supplementary Regulation 14J and by orders under paragraph (a) (19) of Order A-2 under Maximum Price Regulation 188 remain in effect when they are higher than the ceiling prices determined under the provisions of this order.

SEC. 10. *Compliance with this order—* (a) *No buying or selling at over ceiling prices.* Prices established by this order are ceiling prices. Prices lower than ceiling prices may be charged and collected at any time. However, regardless of any contract or other obligation, no person shall sell, offer to sell, or deliver, and in the course of trade or business, no person shall purchase or accept delivery of any small electrical appliance at a price higher than the ceiling price fixed by this order or before the manufacturer has properly determined his ceiling price under this order.

If, in violation of this provision, a sale, offer to sell, or delivery of any small electrical appliance is made before its ceiling price has been properly established in accordance with this order, the ceiling price applicable to the sale, offer to sell or delivery shall be the correct ceiling price for the small electrical appliance properly determined in accordance with this order.

(b) *Certain practices forbidden.* It shall be a violation of this order to charge a price above the applicable ceiling price in connection with any sale of a small electrical appliance, either alone or in conjunction with any other consideration even though the price increase appears only indirectly.

The following is illustrative of the things a seller is not permitted to do. A seller is not permitted to require the purchaser, as a condition of the sale or transfer of a small electrical appliance, to make payment over a period of time; to require him to finance the purchaser through any particular lending agency; to require him to purchase any equipment, accessories, repairs, parts or services so as to increase the total compensation above the article's ceiling price; to require him to purchase any other commodity or service; or to require him to make payment in whole or in part by exchanging, transferring, or trading in any other small electrical appliance, product or commodity. Where there is an exchange, transfer or trade-in in connection with a sale, it is a violation for the seller to give the purchaser an allowance for the small electrical appliance product or commodity exchanged, transferred or traded-in, which is less than its reasonable value.

SEC. 11. *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale of small electrical appliances covered by this order, each manufacturer and distributor shall notify the purchaser of the states in each "zone" for resales of the manufacturer's products as specified by this order when different retail ceiling prices are fixed for sales in each zone, and the retail ceiling prices of all articles which the manufacturer does not tag with the retail ceiling price. These notices may be given in any convenient form.

SEC. 12. *Definitions.* Unless otherwise defined herein or the context requires otherwise, the definitions contained in § 1499.20 of the General Maximum Price Regulation and § 1499.163 of Maximum Price Regulation No. 188, whichever is applicable, shall apply to all terms used herein.

SEC. 13. *Modification of the provisions of this order.* The provisions of this order, as applicable to articles or persons subject hereto, may be modified by orders of general applicability issued under this section.

Effective date. This order shall become effective on the 21st day of December 1945.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of December 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-22818; Filed, Dec. 20, 1945; 4:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 55-90]

SAMUEL HOAR AND EDWARD R. LANGENBACH

MEMORANDUM OPINION AND ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 20th day of December, A. D. 1945.

Samuel Hoar of Goodwin, Proctor & Hoar, 84 State Street, Boston, Massachusetts and Edward R. Langenbach of Brickley, Sears & Cole, 1 Federal Street, Boston, Massachusetts, have filed with this Commission an application pursuant to Rule U-63,[1] seeking approval of $35,000 as the maximum amount for which application may be made to the District Court as an interim allowance for their services rendered as trial counsel from December 8, 1944 to November 15, 1945 and for the reimbursement of $1,300.75 for expenses during that period. On December 8, 1944, Samuel Hoar and Edward R. Langenbach were appointed trial counsel by decree of the United States District Court for the District of Massachusetts for the purpose of instituting and prosecuting actions against International Paper Company on behalf of Bartholomew A. Brickley, Trustee of International Hydro-Electric System.

The fees and expenses submitted may be summarized as follows:

Samuel Hoar, for services as trial counsel, $22,500;

Goodwin, Proctor & Hoar, reimbursement for cash disbursements, $1,009.84;

Edward R. Langenbach,[2] for services as trial counsel, $12,500;

Brickley, Sears & Cole, reimbursement for cash disbursements, $290.91.

After appropriate notice, a hearing was held with respect to the application. No one appeared in opposition to the application.

The record indicates that the services rendered by the applicants consisted of examination of facts and law, many conferences, and preparation of legal documents in connection with the institution and prosecution of actions on behalf of Bartholomew A. Brickley, Trustee of International Hydro-Electric System against International Paper Company.

[1] Rule U-63 promulgated under Section 11 (d) and 11 (f) of the Act provides as follows:

"All fees, expenses and remuneration whether interim or final to whomsoever paid for services rendered, or to be rendered in connection with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary thereof, in any court of the United States shall be subject to approval by this Commission as to the maximum amount that may be paid for such services. This rule shall not apply to any payments approved by a court of the United States in request proceeding in which the Commission has filed a notice of appearance pursuant to Section 208 of Chapter X of the Bankruptcy Act as amended."

[2] The applicant, Edward R. Langenbach, is a partner of Bartholomew A. Brickley, the Trustee of International-Hydro Electric System. Langenbach does not seek any compensation for Brickley, nor is any payment intended to be made to him from the compensation awarded under this application.

After consideration of the record, we are satisfied that $35,000 is reasonable as the maximum amount for which application may be made to the District Court as an interim allowance for the services rendered and the claimed disbursements were properly made.

It is therefore ordered, That the application of Samuel Hoar and Edward R. Langenbach, pursuant to Rule U-63, be, and the same is, hereby approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22874; Filed, Dec. 26, 1945; 10:01 a. m.]

[File No. 70-1195]

PROVINCETOWN LIGHT AND POWER CO., AND NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December 1945.

New England Gas and Electric Association (New England), a registered holding company, and its subsidiary, Provincetown Light and Power Company (Provincetown), having filed a joint application-declaration pursuant to sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following transaction:

New England presently owns all of the outstanding common stock of Provincetown. Provincetown proposes to issue and sell to New England 175 shares of additional common stock of the par value of $100 per share, at a price of $100 per share, or an aggregate of $17,500. Proceeds from the proposed sale will be used by Provincetown to pay off existing indebtedness as of September 30, 1945, represented by notes payable to The First National Bank of Boston in the aggregate amount of $17,500, incurred for extensions, additions and improvements to its plant and property.

Said application-declaration having been filed on November 26, 1945, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of the act that the requirements of said section have been satisfied, and with respect to said application under section 10 of the act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the act and that the transaction involved has the tendency required by section 10 (c) (2) of the said act, and that no adverse findings are necessary under section 12 (f) of the act or Rule U-43 promulgated thereunder;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22873; Filed, Dec. 26, 1945; 9:31 a. m.]

[File No. 70-1209]

ELECTRIC POWER & LIGHT CORP. AND DALLAS RAILWAY & TERMINAL CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of December, A. D. 1945.

Notice is hereby given that a joint application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Dallas Railway & Terminal Company ("Dallas"), a non-utility subsidiary of Electric. Applicants designate sections 6, 7, 11 and 12 (f) of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the application or declaration, which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Electric owns all of the common stock of Dallas which at present consists of 32,500 shares having a par value of $100 per share. Dallas proposes by charter amendment to change its presently outstanding common stock into 162,500 shares of common stock having a par value of $20 per share. Dallas also proposes by charter amendment to provide for cumulative voting for its common stock. After the proposed amendments to Dallas' charter have been effected, Electric proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, such shares of common stock of Dallas.

Electric requests that the order to be entered conform to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended, and recite that the issuance of new $20 par value common stock by Dallas and the proposed sale and transfer of the said common stock by Electric are necessary or appropriate to the integration or simplification of the holding company system of which Electric is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application or declaration and that said application shall not be granted or said declaration be permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said matters under the applicable provisions of the act and the rules of the Commission thereunder be held on January 4, 1946 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of its rules of practice, on or before January 2, 1946.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of this hearing be given to applicants-declarants by registered mail and to all other interested parties by publication in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by such application, particular attention will be directed at such hearing to the following questions:

(1) Whether the proposed transactions meet the requirements of the applicable provisions of the act, particularly section 7 thereof.

(2) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

(3) Generally, whether the proposed transactions comply in all respects with the applicable provisions of the act and the rules thereunder.

(4) Whether the proposed sale of said common stock is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and whether the proposed transactions constitute a step in compliance with the order of the Commission dated August 22, 1942 requiring the dissolution of Electric.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22875; Filed, Dec. 26, 1945; 10:01 a. m.]

[File No. 50-16]

ASSOCIATED GAS AND ELECTRIC CORP. ET AL.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of December 1945.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company; Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, et al., File No. 50-16.

A joint application having been filed pursuant to Rule U-100 (a), promul-

gated under the Public Utility Holding Company Act of 1935, by Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, registered holding companies, and their subsidiaries, Associated Electric Company, Canadea Power Corporation, Gas and Electric Associates, General Public Utilities Corporation (formerly Associated Utilities Corporation), General Gas & Electric Corporation, NY PA NJ Utilities Company, The Railway and Bus Associates, and The United Coach Company, for exemption from the provisions of Rule U-45 (a) promulgated under section 12 of the act, with respect to the execution of a proposed tax allocation agreement relating to liabilities arising out of the filing of consolidated New York State franchise tax returns by the applicants; and

It appearing to the Commission that the requirements of Rule U-45 (a), as applied to such proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers;

It is ordered, Pursuant to the provisions of said Rule U-100 (a), that said application be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22876; Filed, Dec. 26, 1945; 10:01 a. m.]

[File No. 70-1172]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1945.

Long Island Lighting Company, a registered holding company and also a public-utility company operating in the State of New York, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, at an aggregate cash price of $7,000,000, of three 2% ten-year promissory notes, to be dated December 27, 1945, to be payable in equal quarterly installments, in the aggregate principal amount of $7,000,000; the proceeds of such notes, together with treasury cash, to be utilized by Long Island Lighting Company to redeem, at the redemption price of 102¾% of principal amount, its 3¾% Sinking Fund Debentures due May 1, 1956, outstanding in the principal amount of $7,510,000; and

Declarant having requested permission to withdraw said declaration in view of the denial of the Public Service Commission of the State of New York of a petition requesting authority to proceed with such program; and

It appearing to the Commission that the withdrawal of such declaration is consistent with the public interest:

It is hereby ordered, That the request of the declarant be, and hereby is, granted, and said declaration is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22877; Filed, Dec. 26, 1945; 10:01 a. m.]

[File No. 70-1207]

QUEENS BOROUGH GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1945.

Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder regarding the proposed purchase from the New York Life Insurance Company and the Metropolitan Life Insurance Company of $101,000 principal amount, and $700,000 principal amount, respectively, of the non-callable 5% General Mortgage Bonds due July 1, 1952, of Queens Borough Gas and Electric Company at a cash price of 122.5641% of principal amount, plus accrued interest to the date of purchase; and

Notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit said declaration pursuant to Rule U-42 to become effective, and finding that the requirements of section 12 (c) are satisfied:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22878; Filed, Dec. 26, 1945; 10:01 a. m.]

[File Nos. 70-1187, 59-5]

WEST TEXAS UTILITIES CO. ET AL.

ORDER PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December, A. D. 1945.

In the Matter of West Texas Utilities Company, Central Power and Light Company, Central and South West Utilities Company, File No. 70-1187; The Middle West Corporation and Its Subsidiary Companies, File No. 59-5.

Central and South West Utilities Company, a registered holding company and two of its public utility subsidiaries, West Texas Utilities Company and Central Power and Light Company, having filed joint applications and declarations and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 thereof, regarding a proposal by Central Power and Light Company to sell its electric and ice properties in the Big Bend area of Texas located in Reeves, Jeff Davis, Presidio and Brewster Counties, Texas, to West Texas Utilities Company for a base consideration of $815,000 in cash plus an amount equal to the net cost of property additions made between September 30, 1945 and the closing date, and minor adjustments; and

Said companies having requested that the Commission modify certain orders heretofore entered in the matter of The Middle West Corporation and its subsidiary companies, File No. 59-5, requiring the divestment of the said Big Bend electric and ice properties by Central and South West Utilities Company and Central Power and Light Company pursuant to section 11 (b) (1) of the act and alleging changed circumstances as the basis for such request; and

The said proceedings pursuant to section 11 (b) (1) having been reconvened and consolidated with the proceedings pursuant to said applications and declarations, and a public hearing having been held in respect of such consolidated proceedings after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said applications and declarations as amended be, and the same hereby are, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the further condition that jurisdiction is reserved over all accounting entries to be recorded on the books of Central Power and Light Company in connection with the proposed transaction.

It is further ordered, That the orders of the Commission adopted January 24, 1944 and February 16, 1945 in the Matter of The Middle West Corporation and its subsidiary companies, File No. 59-5, be modified by deleting those portions thereof requiring Central and South West Utilities Company to divest itself of the utility and non-utility assets of Central Power and Light Company in the Big Bend area of Texas: *Provided, however*, That the effectiveness of that portion of this order modifying the said prior orders shall be conditioned upon the completion by West Texas Utilities Company prior to December 31, 1946, of its proposed program for interconnecting the Big Bend electric properties, excepting Presidio, with its present electric properties.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-22879; Filed, Dec. 26, 1945; 10:01 a. m.]